

British Trade Unions

by

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(*Recorder of Halifax*)

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To
“DEBORAH”

*This book is produced in complete conformity
with the Authorised Economy Standards*

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EDITOR'S PREFACE

IT would be impossible nowadays not to include a book on Trade Unions in a LIVING IN BRITAIN series. This illustrates the enormous advance in the status and importance of Trade Unions since the days of not very long ago, when they were struggling for recognition and full freedom to operate within the law.

The story of the rapid rise of Trade Unionism to its present position almost of an estate of the realm is graphically described in this book. But the change in status has meant a change in problems rather than a relief from problems; and Mr. Turner-Samuels has analysed the problems of to-day with the same skill as he has depicted the solution of the problems of yesterday.

That Mr. Turner-Samuels's book will be acceptable to the Trade Union world can, I think, be safely assumed. But it is, I think, written with sufficient objectivity to interest and attract the non-Trade Union reader as well. Mr. Turner-Samuels, like myself, is a barrister and a Member of Parliament. But there the resemblance ceases, for Mr. Turner-Samuels is a K.C., whereas I am not, and he is a Socialist whereas I am a Conservative.

I am sure, however, that Mr. Turner-Samuels is too fair-minded to claim for his own party any monopoly of good-will towards Trade Unionism. The fact is that good-will towards Trade Unionism is universal in this country, and there are Trade Unionists in all political parties. The party to which I belong is certainly not lacking in good-will towards Trade Unionism, and the

development of Trade Unionism has benefited from various Acts of Parliament which have become law under Conservative administrations. So far as the future is concerned, Conservatives cannot, of course, guarantee that the law will remain exactly in the form prescribed by the Trade Union Act of 1946, including as it does the necessity for non-Socialist Trade Unionists to contract out of the obligation to pay the political levy. But I, for one, will certainly counsel a reasonable and permanent settlement, arrived at in good faith and good-will between the parties, so that Trade Union rights and procedure do not become involved in a perpetual political ping-pong.

Here then is an important book on an important subject. Nobody, whatever their views or occupation, can sensibly contract-out of an interest in Trade Unionism and its significance in the life of Britain to-day. Nobody can fail to learn, profitably and pleasurably, much of interest and of value by reading this book.

DEREK WALKER-SMITH.

INTRODUCTION

THE STORY of the British Trade Unions is full of human and dramatic interest. Its crowded cavalcade of events and its galaxy of heroes span the background of our island history as part of the dogged traits and the goodly company that has made us a free and hardy nation.

Yet this story, in all its fascinating light and shade, its many struggles and its ultimate culmination, has still to be written. This volume makes a humble though necessarily limited effort to give its readers some glimpse of the story, as well as to explain how the Trade Union Movement is organised and functions.

The object has been to give the book primarily a popular appeal and, at the same time, be an informative and practical guide to those who either belong to, or are interested in, the work and constitution of the Trade Unions.

No one could hope to write authoritatively on this subject, whatever its treatment, without aid from the works of the Webbs and G. D. H. Cole, and, in relation to the part women have played in the Movement, from Mrs. Barbara Drake's work on *Women in the Trade Unions*.

To them and to those whose names and books are cited in reference to statements in the text or footnotes of the present book, I gratefully acknowledge my indebtedness. In particular this volume could not have been brought up to date, nor could Chapter Fifteen on "The War and the Trade Unions" have been written without the information contained in the T.U.C. Reports for the years 1940 to 1947.

Finally, I am under a great obligation to Mr. Ernest Bevin, M.P., the Foreign Secretary, for the indispensable help received from his book, *The Union, its Work and Problems*, explaining the work and structure of the T. & G.W. Union, published in 1939 while he was its General Secretary.

M. TURNER-SAMUELS.

House of Commons.

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ABBREVIATIONS

A.C.	Appeal Cases (House of Lords).
A.E.U.	Amalgamated Engineering Union.
A.F. of L.	Amalgamated Federation of Labour.
A.S.L.E.&F.	Amalgamated Society of Locomotive Engineers and Firemen.
B.E.C.	British Employer's Confederation.
Ch.	Chancery Division (Supreme Court of Justice).
C.S.C.A.	Civil Service Clerical Association.
F.B.I.	Federation of British Industries.
G.E.C.	General Executive Council.
I.F.T.U.	International Federation of Trade Unions.
I.L.O.	International Labour Organisation.
I.W.M.A.	International Working Men's Associa- tion.
J.C.C.	Joint Consultative Council.
L.E.C.	Labour Electoral Committee.
L.R.C.	Labour Representation Committee.
L.P.T.B.	London Passenger Transport Board.
M.O.L.	Ministry of Labour.
N.A.L.G.O.	National Association of Local Govern- ment Officers.
N.C.L.C.	National Council of Labour Colleges.
N.F.B.T.O.	National Federation of Building Trade Operatives.
N.J.A.C.	National Joint Advisory Council.
N.J.I.C.	National Joint Industrial Council.

N.U.D.A.W.	National Union of Distributive and Allied Workers.
N.U.R.	National Union of Railwaymen.
N.U.M.	National Union of Mineworkers.
R.C.A.	Railway Clerks' Association.
T.&G.W.U.	Transport and General Workers' Union.
T.U.C.	Trades Union Congress.
U.N.E.S.C.O.	United Nations Educational Scientific and Cultural Organisation.
U.N.O.	United Nations Organisation.
U.P.W.	Union of Post Office Workers.
W.E.A.	Workers' Educational Association.
W.E.A.T.U.C.	Workers' Educational Association Trade Union Committee.
W.F.T.U.	World Federation of Trade Unions.

PART ONE

ORIGIN AND DEVELOPMENT

CHAPTER ONE

TRADE UNIONISM OUTLAWED

THE YEAR 1870, under Mr. Gladstone's premiership, saw the removal by Parliament of the Civil Disabilities of the Trade Unions. 1870 was a memorable year. The first of Gladstone's famous Irish Land Acts was passed; an historic Education Act became law; and Secret Voting was instituted. It was indeed, in these and other respects, such a year of crowded legislative activity that Mr. Bright, in characteristic phrase, likened it to the prodigious task of "driving six omnibuses abreast through Temple Bar".

Since those mid-Victorian days, the Trade Union "omnibus" has travelled very far both on the industrial and political roads.

The Trade Union Movement is now a powerful and integral part of our economic and industrial system, and few people would gainsay the indispensable part Trade Union organisation plays, in securing and maintaining in industry the stability and tranquillity so imperatively needed in the interests of the country.

Less than 150 years ago Trade Unions, as we know them, did not exist. There were combinations of craftsmen as far back as before 1180 in the reign of Henry II, which were called "Guilds", and somewhat resemble the modern Trade Union. Reminiscently, struggles arose between them and the Mercantile Guilds of merchants in

the same sort of way as in later times, and the only protection was to be sure that all those who worked in the same handicraft joined the Guild representing it.

In the fifteenth and sixteenth centuries these Guilds were composed entirely of *master* craftsmen who employed and trained apprentices who in turn became master craftsmen and members of the Guild. Only very rarely did one master craftsman employ another. Hence the modern relationship of employer and employed practically did not exist. A further resemblance to the Trade Union was the "friendly" and "benefit" side of these Guilds. They paid for masses, insured against fire, paid for funerals, and assisted the members with money and in other ways.

As economic conditions changed and machinery was introduced, the crafts became sectionalised and became part of the "employed many" instead of the "employing few". When the former discovered they could not uncollectively resist the hard conditions put on them by the latter, they began to organise—to form themselves into Trade Unions.

It was nevertheless against the law so to do. Then, and for some time to come, it was a criminal offence for workers to combine. Any such attempt fell grievously foul of the Courts, and was declared by the Judges to be "in restraint of trade and consequently illegal".

Parliament, too, was obdurately opposed to collective association among workers. As witness the Statute Book before the years 1824 and 1825 (when all earlier labour laws and statutes in force in Great Britain and Ireland were repealed), which was full of enactments, many of an utterly trivial nature, busily regulating all matters concerning trade and labour. Among them were the famous "Statutes of Labourers". Of these, the first was not

directed so much to "Combinations" as to the regulation of wages. It bluntly forbade the worker to receive, and the master to pay, wages beyond the rates fixed by law.

The official explanation for this policy was the dreaded plague, known as the "Black Death" (1348-9). This ghastly and widespread pestilence, which originated in China, threw up every conceivable contagious disease in the catalogue of human catastrophe. For more than three centuries its havoc relentlessly smote Europe and grievously poisoned the life of all England. Its scale of devastation in Europe generally was such that Boccaccio tells us that "all classes were equally affected, for the ladies and gentlemen who retired in the Decameron to tell each other stories in a country house on the road to Fiesole had all of them lost relations by the plague".¹

It was because of this havoc among the population that the Statute of Labourers was passed in 1349, deliberately to stem the fast upward rise of wages due to the consequent severe shortage of labour.

However, as often occurs when fundamental human rights are in the balance, the law of nature proved stronger than the edicts of policy. The labourer simply withdrew his services.

Parliament's reply, in 1350, was a second Statute of Labourers imposing "direction of labour" by confining workmen to one locality at the fixed rate laid down in the first Statute.

This was a period of the first magnitude in the social and political revolution which, since the reign of Edward III down to our own times, has progressively unfolded itself.

The labouring classes deeply resented the restrictions placed on them by Parliament, and firmly set about finding the means of overcoming them.

¹ *The Historian's History of the World*, Vol. 18, p. 368.

Unity of action is not a far cry from unity of interest. It is, therefore, not surprising that the idea of "alliances" or combinations among workmen was the direct consequence of the Statutes of Labourers.

The Parliament of Edward III in 1360 reacted with characteristic thoroughness: it declared "all alliances and covins between masons, carpenters, guilds, chapters and ordinances" void.

Little notable progress was made until the Industrial Revolution was an accomplished fact and the factory system rapidly developing. By 1799 the Trade Union Movement began to take shape. It was in that year the long list of anti-combination laws reached its climax in the Combination Act of that date. This was replaced in 1800 by the famous anti-Combination Statute.

There can be no doubt that those two Statutes were panic legislation following upon the excesses of the French Revolution, and the consternation resulting from the Napoleonic Wars.

The result of the Statutes was the very opposite of what the authors of them had set out to secure. The conflict between the workers and their employers became more inflamed, each side going to extremes against the other. The "boycott" and the "black list" were ruthlessly employed, and in the process became utterly discredited.

The short effect of the two Statutes of 1799 and 1800 was rigidly to regulate the locality, wages and hours of work; the combinations were peremptorily forbidden—and rigorously prosecuted.

Curiously enough, this legislation was so framed as to give the appearance of allowing free bargaining between capital and labour; but, as the acute pen of Sir James Stephen in his celebrated *History of the Common Law*

trenchantly observes, “. . . the only freedom for which Parliament seems to have been especially solicitous was the freedom of the employers from coercion by their men”.

The attempt to restrain the natural desire of the individual to unite with his fellows to promote and protect their common interests did not quench the missionary ardour of men like Jeremy Bentham, Joseph Hume and Francis Place. Indeed, the example of the latter led the industrial reformers of his day to declare in their zeal and determination, in the classic words of Archimedes: “Give me *place* for my fulcrum and I’ll move the world.”

Their work was not in vain. In 1824, during Lord Liverpool’s administration, they won a great victory by the repeal of the Combination Laws.

That completely changed the basis of the law of labour.

It established that “Journeyman, workmen or other persons who shall enter into any combination to obtain an advance, or to fix the rates of wages or to lessen or alter the hours or duration of the time of working . . . shall not . . . be subject or liable to any indictment or prosecution or conspiracy or to any other criminal information or punishment whatever, under the Common or Statute Law”. Paradoxically enough, this change was followed by outbreaks of violence. The explanation of such an apparently illogical consequence appears to be that the Trade Unions (or Trade Societies as they were then commonly called), having got free of their restraints, proceeded straightaway, and vigorously, to stake a claim to increased wages.

1824 was a time of prosperity in this country, but this wage claim, which was general, led to strikes all over England in which violence was done to person and

property. Manufacturers, the propertied classes, and the Government became alarmed.

It is interesting, in passing, to recall that Parliament thought it necessary at this time to declare that the "Special" Jury could be resorted to in civil cases, although it was not valid in criminal cases.

The background of the disorder in 1824 was the prominence of profusion and extravagance all round among the well-to-do. There was, into the bargain, heedless "overtrading" and speculation and "wild-cat" business flotations.

The workers, seeing this, used the repeal of the Combination Laws as a favourable opportunity for raising their wages and standard of living.

The Government met the challenge by a new Bill, which undisguisedly sought to reinstate the old labour restrictions and prohibitions.

This sudden reversal of policy led to a terrific Parliamentary clash. By the time the Bill reached the Statute Book in 1825 it looked relatively inoffensive on the face of it, but in fact it was not as innocent as it appeared. In terms it continued the repeal of the Combination Laws, but at the same time it created a new series of offences and penalties relating to combinations. This was, however, skilfully masked by a provision that combinations intended merely to regulate wages and hours of work should not be liable to the penal provision of the Statute.

It was said that the Acts of 1824 and 1825 radically altered the position of the labourer or worker "from a *status* to a contract system".¹ Their legal effect re-established the common law principle that all Unions (except those that might come within the above exception)

¹ *A Short History of English Law*, Professor Edward Jenks, p. 325.

were illegal and their members liable to be indicted for conspiracy in restraint of trade. "Intimidation", "molestation", and "obstruction" were made crimes and their interpretation and application left at large.

The blunt result of the Act of 1825 was that its language was stretched to most extravagant lengths. Every strike became criminal.

Difficulties were made to be overcome: in spite of the Act of 1825 the workers, led by Robert Owen and others under what became known as "the Robert Owen Movement", by 1832-4 built up several substantial "General Unions".

A massed assault was made on these Unions by the Whig Government and Employers in 1834. Extensive lock-outs followed, and any workman refusing to renounce his membership of a Trade Union was forthwith dismissed. This policy, actively supported by the Government, culminated in the harsh sentence passed on six Dorsetshire labourers whose only crime was to use an absolutely harmless form for the initiation of members into their Trade Union. For this alleged crime they received the punishment of transportation. "The Government swooped down upon the Dorchester labourers in the village of Tolpuddle and converted the harmless ritual of a few wretched labourers into a landmark in the history of Trade Unionism." They have gone down into history as the "Tolpuddle Martyrs", and their story is to Trade Unionists what the epic of the *Mayflower* is to the Americans. No one doubts now that the trial, and the penalty, was political persecution due directly to the intervention of the then Home Secretary.

Among the Unions which sprang from the Robert Owen Movement, the most famous was the *Grand National*

Consolidated Trade Union. This was founded on a federation of trade lodges and its object was to include all workers in one huge Trade Union. It was credited with having enrolled no less than a million members in a matter of weeks.

From 1834 to the beginning of the twentieth century the workers' agitation for full freedom continued against every obstacle and repression.

The first years of the Victorian era were marked by grave commercial crisis in England, famine in Ireland and unrest on the Continent. Steps were taken to enable the Bank of England to issue notes unsecured by bullion. The consequence of the crisis went beyond its immediate financial effects. It diminished the demand for work and spread great distress among the industrial classes. Political agitation became rife in Europe generally. Louis Philippe was expelled from Paris, and the Austrian Emperor from Vienna. In Italy and Germany, too, there was an upsurge of political action by the masses. From 1839 to 1850 Trade Unionism was at its lowest ebb. It was the Chartist movement that rekindled and nursed its waning spirit.

The history of Chartism has a whole literature of its own. Only a word as to the movement can be said here. It was essentially a Socialist movement, inspired in 1839 by Robert Owen and his followers. The famous "Charter" says: "We live in a land of rich soil and wholesome temperature, famous for enterprising merchants and industrious workmen, excelling all others in the means of internal communications and in harbours abundantly furnished with materials for manufacture. . . . Yet we are overwhelmed with public and private suffering, traders are on the verge of bankruptcy and workmen starving."

In 1848 the Chartists organised a huge procession which was to present a monster petition to Parliament. General alarm followed and no less than 170,000 special constables were sworn in to protect life and property. In the end the procession was abandoned. Chartism gave way to Trade Unionism. The latter began to revive immediately after the events of 1848. The Chartist movement turned its energies to the foundation of the Co-operative movement.¹

This revival of Trade Unionism was firmly launched in the shape of a "New Model" of workers' organisation, exemplified in the foundation of the Amalgamated Society of Engineers (as it was then called) in 1850, which combined Trade Union functions with Friendly Society objects, and under which Trade Unionism (primarily in skilled trades) secured a degree of financial strength and stability it had never previously known. The legal standing of the Unions was, however, still to be fought for.

From this developed the "Junta",² a group of Trade Union leaders, who exercised great authority, and profoundly influenced the future course of Trade Union action and development.

1848 to 1860 were vintage years for the growing forces of Trade Union solidarity which by 1868 led to the formation of the Trade Union Congress.

The fight for legal *status* was helped by the passing of the Trade Union Act of 1871, which legally defined Trade Unions for the first time.

A hard struggle for full recognition, as we shall see, still lay ahead, ultimately greatly aided by the advent of what was called the "New Unionism" which from 1885

¹ The association of this movement with the Trade Union Movement is dealt with in Chapter 13, p. 144, *et seq.*

² See Chapter 8, p. 81.

developed the principles and support of Trade Unionism amongst "unskilled" workers, and led to an increase in the formation of "General" Labour Unions.

The opening of the twentieth century saw a new intellectual uprising which expressed itself in all countries, through Syndicalism, Industrial Unionism, and Guild Socialism.

Syndicalism enjoyed a brief spell of activity only. Its philosophy was in a sense anarchist, but its purpose was definitely industrial organisation. It was strongly opposed to State-control and was anti-political and non-parliamentary. It differed from ordinary Trade Unionism in throwing its whole weight into a strike weapon only. It got its firmest grip in France and Italy, but even there did not last long.

Industrial Unionism originated in America. It did not, like syndicalism, repudiate political action. This movement also failed to establish any strong or permanent organisation.

The central idea of Industrial Unionism was organisation by industry instead of by craft, and this has impressed itself increasingly on the Trade Union Movement in Great Britain, in the growing recognition of the unity of interest of all workers in industry. Especially is this so since 1945, and in the strengthening stature of the Trade Union Congress.

Guild Socialism represented a doctrine which advocated the revival of the old guilds on a modern footing. Trade Unions were to be converted into guilds to take over and run industries after their nationalisation. This was different to State socialism, which advocated public ownership of such industries. The movement began round about 1906. In 1915 the National Guilds League

was formed and a large number of Unions joined it. A nation-wide Building Guild was set up to build houses but it quickly collapsed. By 1925 the Guild organisation had completely disappeared.

There is no doubt that the force which kept the workers in Britain together, at these crucial stages in their industrial history, was the Trade Union Movement.

A paramount phase in the Unions' long struggle was the fact that Courts of Law continued to declare combination of workers to be in restraint of trade. There was, however, as to this, divergence of judicial opinion on the legal effect of the Act of 1825. Baron Rolfe, in 1847, decided that so long as the Trade Unions kept within the language of the Statute they were protected—which seemed to be good sense and sound law. Mr. Justice Erle, on the other hand, in 1851, held that (irrespective of the Statute or the use of any illegal means) it was a violation of the law for a combination of workmen to interfere with their employer in his business by persuading "free men" to leave the employer's service so as thereby to force him to accept a certain schedule of prices. The latter decision completely destroyed the right, by combinations, even to pursue the legitimate object of securing a rise of wages or prices, by means of a strike.

For such a doctrine, it is difficult to find any justification in law. It clearly had no foundation in the common law offence of conspiracy which could only be justifiably applied in such cases as the procuring of false indictments.

The decision led to intense resentment by workers all over the country, and the consequent appointment, in 1867, of a Royal Commission.

Meantime, the Unions prepared themselves for the fight for full recognition.

CHAPTER TWO

THE STRUGGLE FOR FULL RECOGNITION

THE 29th of June 1871 is a red-letter day in the Trade Union calendar, for it was the Trade Union Act of that date which freed the Unions from the taint of being criminal solely because they were alleged to be "in restraint of trade".

The Statute also enacted that where a Trade Union's purpose might be in restraint of trade, that alone was not to render void or voidable any agreement or trust.

A judicial decision, however, cut this measure short, for Mr. Justice Brett (later Lord Esher, Master of the Rolls) held, in a case that came before him, that although a strike might no longer be punishable as a conspiracy in restraint of trade, it might nevertheless be a conspiracy at common law, as well as "molestation" and "obstruction" within the Criminal Law Amendment Act, which was passed on the same day as the 1871 Trade Union Act.¹

He accordingly sent the London gas-strikers' leaders, who were concerned in the case, to prison for a year for merely preparing to strike, on the ground that it was a conspiracy to molest the employers.

Mr. Disraeli, however, was persuaded in 1875 to carry through Parliament the Conspiracy and Protection of

¹ *R. v. Bunn* (1872) 12 Cox 316.

Property Act, which swept away all existing legislation and case law making breaches of contract a crime. Under the Act "an agreement or combination of two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute" was no longer indictable as a conspiracy if the same act would not have been punishable as a crime, had it been committed by one person only.

An even greater victory for the Trade Unions was the provision that "attending at or near a house where a person resides or works or carries on business, or happens to be . . . in order merely to obtain or communicate information, shall not be deemed a watching or besetting . . ." The use of force or threats, shadowing, "rattening" (damaging or removing tools or machinery of workmen or employer), and watching and besetting, was expressly prohibited.

This was the first time any Statute specifically defined the rights of British workmen.

The Act of 1871 was, in 1876, modified. Trade Unions in certain cases were brought within the Friendly Societies Act of 1875; the right to vest its property in trustees was extended; amalgamation of two or more Unions provided for; and the definition of a Trade Union widened.

Although the overall activities of a Trade Union to-day have increased enormously, the definition provided by the 1871 and 1876 Acts is still of importance. The Acts have been further amended by the Trade Union Act, 1913, with the effect that a "Trade Union" is definable as a "combination, whether temporary or permanent, the principal objects of which are under its constitution statutory objects". "Statutory objects" means "the regulation of the relations between workmen and masters,

or between workmen and workmen, or between masters and masters, or the imposing of restrictive conditions on the conduct of any trade or business and also the provision of benefits to members ”.

From 1875 the Unions made rapid strides. Another adverse event, however, later halted this progress abruptly. It came quite unexpectedly. All sections, at the time, fully accepted the fact that Trade Unions were protected from any action for damages arising out of industrial disputes, because the Act of 1871 had specially omitted to make a Trade Union a corporate body.

This view received a shattering blow in 1901, by the decision in the famous case of *Taff Vale Railway Co. v. Amalgamated Society of Railway Servants*.¹

For the Trade Unionists this judgment was a most important and far-reaching one.

They were not alone in their surprise at the decision: lawyers regarded it with astonishment. One eminent legal historian, Professor Jenks, has expressed the view that the judgment “worked a revolution in English Law ”.²

The principle it established was that a Trade Union could be sued in its registered name, or in a representative action against its trustees and officers, for damages for a civil wrong committed by anyone acting as its agent. Further, that the Union or other persons could be restrained by injunction from “watching or besetting”, and from authorising or committing any act declared by the Courts to be wrongful.

That simply meant that any strike might be made the subject of a successful claim for damages; or, if an injunction were granted, members and officials, and

¹ (1901) A.C. 426.

² *A Short History of England*, p. 336.

even the Union itself, might be guilty of contempt of court.

That put the funds of the Unions on quicksand.

In the Taff Vale case itself no less a sum than £23,000 disappeared in damages and a still larger payment than that went in "costs".

Nor was this the only problem the decision produced for the bewildered Unions. They had to face such serious questions as whether strikes might not be held by the Courts to be illegal conspiracies even where a breach of contract was in no way involved; or whether, where Unionists refused to work with non-Unionists, or any other workers, did that involve a wrongful act implicating the Union, its officers and the workers in any action for damages?

The case also made the consequences of peaceful "picketing" disturbingly uncertain and open to heavy liability for tort.

The complete novelty of the interpretation of the law in the Taff Vale case was later commented on by Viscount Haldane (leading counsel for the Union and subsequently Labour Lord Chancellor). In his autobiography Lord Haldane says: "For the principle that a Trade Union could be sued in tort (i.e. for civil wrong), there was much to be said if it had been raised for the first time as a new one. But it was announced suddenly, contrary to the belief which had been entertained about it, widely, since the Royal Commission (in 1867) on Trade Unions by the Trade Unions themselves as well as by some of the Judges."

For the Unions the Taff Vale decision was literally a matter of life and death and the whole Movement closed its ranks to meet the challenge.

Mr. Arthur Balfour, the Prime Minister, set up a Royal Commission in 1903 to examine the whole position. Meanwhile the Unions strengthened their organisation and political propaganda in readiness for the general election of 1906.

The Taff Vale decision became a cardinal issue in the election. In every constituency the Unions resolutely sought the pledge of candidates to secure the Union's demands for the repeal of the law as laid down in the Taff Vale case.

They received strong public support, as well as the pledges of a large number of those who were successfully returned to the House of Commons. The election strengthened the Parliamentary Labour Party.

The Liberal Party, in 1906, secured an overwhelming majority. It at once introduced a Bill into the new Parliament to deal with the position of the Unions. The Bill was in fact the outcome of the Report of the 1903 Royal Commission. It was not acceptable to the Labour members or to the large number of Liberal M.P.s who had pledged their support to the Union at the election. They demanded the complete abrogation of the Taff Vale decision and all its implications.

To accomplish that the Labour members presented their own Bill—its leading proponent being Keir Hardie.

This Bill was a direct challenge to the Government measure, and the threat of it being carried by a large majority against the Government won the day. The Government's proposals were discreetly withdrawn. Labour's Bill passed both Houses, and, as the Trade Disputes Act, 1906, became law. The Taff Vale decision no longer threatened the foundation or the finance of the Unions, or the liberty or solvency of the members.

A study of these momentous issues in the struggle of the working-class movement re-emphasises the truth so often illustrated in the history of this country, and remarked on by Dr. Stubbs in his *Constitutional History*, that dissatisfaction with existing labour and social conditions is more potent in its tendencies and effects than either constitutional or dynastic questions.

The Act of 1906 gave the Unions all they asked for. In particular it extended the protection of the Conspiracy and Protection of Property Act, 1875, to the civil as well as criminal consequences of combination. In other words, not only was a Union, as such, no longer indictable as a conspiracy, but any act or agreement or combination, done in contemplation or furtherance of a trade dispute, was no longer actionable. Not even if it induced a breach of contract of employment or interfered with another person's trade, business or employment, or the right to dispose of his capital or labour as he willed. Moreover, no action of tort against a Trade Union or any member or official acting on behalf of themselves and all other members of the Trade Unions, could thereafter be entertained by any Court in the land.

"Peaceful Picketing" was also authorised by the Act.

As far back as 1858, the right for pickets "peacefully to persuade" workers from working during a trade dispute was established as lawful. The right was, however, virtually annulled by the Criminal Law Amendment Act, 1871. This was allegedly modified four years later by the Conspiracy and Protection of Property Act, which permitted "picketing" to "obtain or communicate information". But "peaceful persuasion" was not allowed.

The Act of 1906 fully restored the right to "peaceful picketing".

Incidentally, the word "picketing" is really a military term, first applied in 1867 by Trade Unionists to men stationed by Unions to watch workers going to work during a strike, and to endeavour to dissuade or deter them. It is not a statutory term at all. The statute gives the right "to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working".

It made one exception only to the immunity granted leaders of Trade Unions who call for strike action, and Unions in case of actions of torts, whether committed in furtherance of a trade dispute or not. The exception was that trustees of a registered Union could sue or be sued in cases where specific property of the Union vested in the Trustees was concerned.

Finally, the Act of 1906 furnishes a definition of "trade dispute"¹ which incidentally brings in the vexed subject of the "sympathetic" or "secondary strike".

The latter conformed to the recommendation made by the Royal Commission which² reported in 1906 in favour of declaring "strikes from whatever motives or . . . purposes, (including sympathetic or secondary strikes) legal". Whether the Act covered a "general strike" has been the subject of much controversy and divergence of opinion in legal and Parliamentary spheres.

In spite of the victory achieved in 1906 the Unions

¹ "Trade dispute" means any dispute between employers and workmen or between workmen and workmen which is connected with the employment or non-employment or the terms of the employment or with the conditions of labour of any person.

² Appointed in 1903.

were, by 1909, faced with another problem* of the first magnitude. This arose from the decision known as "The Osborne Judgment".

Trade Unions had been steadily building up the political side of their activities. In doing this they devoted part of their funds to securing the return to the House of Commons of members who would support the Trade Union point of view.

There was nothing new about this. It had been the practice since the '70s, long before the advent of the Labour Party itself.

The Unions all along took the view that only direct Parliamentary representation would fully serve and protect their interests. They regarded that view as fully justified by experience. The Trade Disputes Act of 1906 certainly appeared to bear this out, abundantly. Their leaders said: "Formerly the Trade Unions sent deputations to plead with M.P.s to concede rights to the workers. That failed. Accordingly, instead of appealing to M.P.s, the Trade Unions sent their own members to Parliament".

By 1910 this policy produced a small group of Labour M.P.s to which the other Parties attached little importance. The view was that they would soon be absorbed.

It was at this moment that William Osborne, a member of the Amalgamated Society of Railway Servants, entered the lists to challenge the political activities of the Unions.

His Society had used some of its funds to promote Parliamentary representation on behalf of the Union. The Society enforced a levy of contributions from Osborne, and its other members, for the payment of salaries, and maintenance allowance to M.P.s who were pledged to "answer the whip of the Labour Party".

Osborne disputed in the Courts the right of the Society to use its funds for these purposes. The case went to the

House of Lords.¹ It affirmed the decision of the Court of Appeal, and held that a Trade Union had no power to collect and administer funds for political purposes, and that a rule conferring power to levy contributions from members for securing parliamentary representation was *ultra vires* and illegal.

This decision, like that in the Taff Vale case, was a thunderbolt to the Trade Union Movement. Parliament once more came to its rescue. In 1912, the Liberal Government, again in power, introduced the necessary legislation. This Bill, as Mr. Asquith told a Trade Union deputation on 15th February, 1912, "was to restore to the Unions wide powers to apply, by resolution, their funds as they had been hitherto applied, and at the same time to provide adequate precautions and safeguards for the protection of dissentient minorities".²

The Bill was carried without a division, in both Houses of Parliament.

Trade Unions were now free to take their own political action so long as they first obtained the authority of their members by ballot vote, and exempted from the political levy all members who notified their unwillingness to pay it—that is to say, who "contracted-out".

It looked as though the Unions were free both in industrial and political action. Circumstances, however, presently enveloped the country in World War I, and the Unions in one of the greatest struggles in their stormy history. Of that later.³

In the debate in the House of Commons in 1927, on the Trade Disputes Bill, Mr. J. H. Thomas threw an

¹ *Osborne v. Amalgamated Society of Railway Servants* (1910) A.C. 87.

² *Fifty Years of Parliament*, Earl of Oxford and Asquith, K.G., p. 129.

³ See Chapter 3.

interesting sidelight on the Osborne case.¹ Osborne, he said, was a member of his (Mr. Thomas's) Union.¹ When the rule, which Osborne challenged as illegal, was drafted the Union was anxious to keep within the law. Mr. Thomas was accordingly instructed by his Union "to get the best counsel to draft the rule". Sir Robert Reid, K.C. (later Earl Loreburn), the distinguished Liberal lawyer, was instructed. He was told: "Here is our rule book; will you draft a rule covering the political objects?" He replied: "Certainly I will—at the usual Trade Union rate." To make doubly sure the Union decided to instruct a Tory lawyer, too, so they hit on Sir Edward Clarke, K.C. They asked him to confer with Sir Robert Reid and to give a joint opinion. Both received the same fee. Both gave the same opinion, and both drafted the same rule. It was put into the rule book just as they drew it, without alteration of any sort or kind. Meanwhile Reid had become Lord Chancellor and, like him, the Osborne case went to the House of Lords. "The House of Lords," added Thomas, "said that what Sir Robert Reid had given us was bad in law, and we had to pay."

¹ The Amalgamated Society of Railway Servants, established in 1871 and merged in the National Union of Railwaymen in 1913.

CHAPTER THREE

THE "GENERAL STRIKE,"

1926

THE COMMON danger of the 1914-18 war united the whole of the people of Britain in the struggle against the Central Powers.

The Unions at once joined in an "Industrial Truce". The problem of munitions production inevitably produced the need for the dilution of labour. Trade Union membership as a consequence grew rapidly, particularly in such Unions as the General Workers, Metal Workers and the Amalgamated Society of Engineers. The membership of all the Unions rose from 4,189,000 to 6,664,000.

An important development which greatly influenced the future of Trade Unionism was the common action taken by the various Unions in connection with the question of wages. This united action ultimately led to Federations and Amalgamation which, as in the cases of the Transport and General Workers' Union, and the Federation of Building Trades Operatives, strengthened the position of the movement as a whole.

Generally speaking, however, the Unions did not exert anything like the same influence or authority in the then subsequent postwar period as they have done since the end of the Second World War.

The question of the political activities of the Union was still a hard bone of contention.

It was widely claimed that the method of "contracting-out" was arbitrary and unfair. Between 1913 and 1927, however, 292 Unions held secret ballots on whether a political fund should be established or not, and only eighteen voted against such a fund. It was in the power of any Union to raise the issue again at any time and to take more than one ballot, but only nine availed themselves of this right.

The surprising feature of these ballots was the small number of votes actually cast. Less than one-third of the members took part. Equally noteworthy was the small number of claims for exemption from payment to the fund.

Out of a total number of three million members by the end of 1925, only 104,797 had applied for exemption and "contracted-out". There were those who argued that this showed "indifference". Others equally argued that it proved "acceptance". The matter has again been tested recently in the case of the National Union of Seamen, who raised its political levy and out of whose membership of 80,000 only 153 "contracted-out".

Little noticeable change occurred in the position of the Unions until 1924 when, after the fall of the first Labour Government under the Premiership of Ramsay MacDonald, the industrial climate began to deteriorate, and, as was said, "the cup of content had unaccountably become the goblet of Tantalus".

The storm broke in 1926 with the General Strike.

This crisis did not come without a number of ominous signs preceding it.

During the earlier boom period following the cessation of hostilities, the Unions built up large funds and, as Ernest Bevin (then making history in the Transport and General Workers' Union) said, "felt secure despite the

teachings of history—that trade booms which follow wars are always very short-lived ”.

The stern truth of this was felt by 1921 when there were two and a half million workers idle, and strikes had involved yet a further two million. Unions like the Amalgamated Union of Engineers spent over £5,000,000 trying to save the wage situation of their members. They spent every farthing they had.

Ernest Bevin has told us in an historic speech¹ that “from 1921 until the beginning of 1924 every Trade Union leader went through hell with his people to try to get them to accept reductions to get this country’s industry going ”.

The cost of living rose so quickly that wage increases were no sooner secured than they were cancelled out.

To cope with this emergency the principle of the minimum wage was put forward. The dockers were particularly concerned in this proposal and their Union entered into negotiations on that and other issues with the employers.

The attempt at a settlement of the question failed, with the result that a serious conflict became inevitable. The Minister of Labour then intervened, on the 3rd February, 1920, and as a result the parties referred the dispute to a Court of Inquiry constituted under the Industrial Courts Act, 1919, with Lord Shaw of Dunfermline (later Lord Craigmyle) as President.

The Court condemned the system of the *casual* employment of dock labourers, and established a minimum wage of 16/- a day.

This event in Trade Union action was a primary factor in bringing about the subsequent amalgamation that led

¹ Hansard, 1945-6, Vol. 419, Col. 401.

to the formation of the "Octopus"—the Transport and General Workers' Union, which brought fourteen major Unions into one organisation, with Harry Gosling as President, Stanley Hirst as Financial Secretary, and Ernest Bevin as its General Secretary.

Bevin, who derived tremendous reputation from his advocacy of the dockers' case in the Shaw Inquiry, became known as "the Dockers' K.C.". His position then clearly foreshadowed the distinguished part he was to play in the future history of the movement. It was to lead him to the pre-eminent position as the "man who mobilised his country" in the last war as Minister of Labour and National Service, and to his present high office of Foreign Secretary.

In 1920 the decline in the country's economic position led to a strike in the coalfields. This was followed in 1922 by fresh trouble over wages in the Transport Industry and among dock workers.

In 1923 an unofficial Dock Strike took place whose excessive bitterness and intense conflict threatened to wreck the newly-formed Transport and General Workers' Union.

Some easement of this state of affairs came in 1923 when at the General Election of that year a Minority Labour Government was formed by Ramsay MacDonald.

By 1924 unemployment figures, which from 1921 had been a terribly darkening shadow over the whole country, fell below the million mark. Then came another General Election (the third in three years!) and the Conservative Party was returned to power.

In 1925, as a result of rapidly increasing unemployment, a demand for wage reductions was made by the coalowners. The extent of the trend towards substantial general wage reductions in the labour market was at this

time giving the Union leaders considerable concern, and causing widespread disquiet among the workers.

The action of the coalowners was regarded by the Unions as the spearhead of an organised attack to bring down wages in every section of industry, in particular in the mines, docks, railways, and agriculture.

The Trade Unions and the Trade Union Congress joined forces on this issue. Ernest Bevin was made their chief spokesman. It was, in fact, due to him that a general strike was averted in 1925.

In agriculture, wages were reduced from £3 (a week) to 28/- a week, and Wage Boards abolished. As yet the farm labourers were not organised.

The situation as regards the miners did not improve. They were, admittedly, the lowest paid workers in industry—the sixty-fifth on the list of wage-earners—but were asked to submit to heavy wage cuts and longer hours of work. Lord Baldwin (then Mr. Stanley Baldwin), the Premier, stated publicly that “all workers in the country have got to take reductions in wages”.

It is essential, to appreciate the later course of events, to remember that the 1925 crisis was actually a continuation of the Miners' Strike of 1920, which came with the slump in the industry following upon fantastically high coal prices. In that strike the three powerful Unions, of Railwaymen, Transport and General Workers, and Mineworkers, formed a “triple alliance” and the first two Unions threatened to support the miners' claim by a joint strike.

It was in order to resist such a strike, if it took place, that the Lloyd George Government put through Parliament the Emergency Powers Act of 1920. That made illegal any stoppage of work that might extensively

interfere with the supply and distribution of food, water, fuel or light or with the means of locomotion. These events were a portent of the struggle to come.

At this point the Railwaymen and Transport Unions, together with the T.U.C., issued orders for the complete stoppage of all movements of coal, to be followed, if necessary, by a "sympathetic" strike.

The Baldwin Government was unprepared for this ultimatum. On "Red Friday",¹ as it became known, Baldwin offered a nine months' subsidy to the coalowners to help them to maintain wages, and to give time for the appointment of a Royal Commission to look into the question of reorganising the Coal Industry.

This respite was unavailing in the events which happened. The Report of the Commission was not acceptable to the miners. When the subsidy to the coalowners ended the wage cuts were again demanded, and insisted upon. All efforts at agreement failed. On Friday, 30th April, 1926, the coalowners served lock-out notices on the men. The General Strike began on Tuesday, 4th May, 1926.

The whole Trade Union Movement backed the miners. "In that struggle," in the words of Bevin, "the Movement placed its all upon the altar."

Trade Union leaders and mine owners' representatives had met at 10, Downing Street, on Sunday, 2nd May, 1926, with the hope that negotiations might lead to a solution.

While this meeting was proceeding Mr. Baldwin sent for the T.U.C. representatives and handed them a document. It expressed the view that a solution which was both practicable and honourable to all parties was not possible unless the report of the Coal Commission was accepted.

¹ 31st July, 1925.

The detailed report which the Samuel Commission produced in 1926 recommended many changes in the organisation of the Coal Industry, and expressed the view that there should be some reduction of wages—but not to the extent demanded by the coalowners. Neither side would accept the report, the owners disliking the reorganisation proposals and the miners standing by their General Secretary Cook's slogan: "not a cent off the pay, not a minute on the day."

The dice of fate were loaded against reconciliation and settlement.

"On Sunday, 2nd May," Ernest Bevin tells us,¹ "we were within five minutes of a settlement. Documents, still in my possession, were drafted. We were to submit them to the miners and others at 11 Downing Street. Suddenly a message (from Mr. Baldwin) came to us that the negotiations were off. We had not time to hand in our documents. We did not know what happened. Then we inquired and were told, 'It is the *Daily Mail* incident'. I have a copy of that night's paper in my pocket now. The document I have was objected to (by the compositors) on what grounds? Not on the grounds of a general strike, but because the proprietor of that paper wanted to use the type heading, 'For King and Country,' in order to bring the King into an industrial dispute."

That was the historical side of the strike and the negotiations at Downing Street, as told by the Foreign Secretary in the House of Commons on 13th February 1946, in the Debate on the Bill to repeal the Trade Disputes and Trade Unions Act of 1927.

It should be added that Mr. Baldwin had intimated to the T.U.C. that the Government had received infor-

¹ Hansard, 1946, Vol. 419. Col. 406.

mation that "not only specific instructions had been sent by the Trade Unions directing their members, in several of the most vital industries and services of the country to carry out a General Strike on Tuesday next (i.e., the 4th May, 1926), but that overt acts have already taken place, including gross interference with the freedom of the press. Such action involves a challenge to the constitutional rights and freedom of the nation". The Government asked for a repudiation of what was alleged to have already taken place and the withdrawal of the alleged instructions for a General Strike.

This intimation was given to the Union leaders at midnight of the 2nd-3rd May, 1926.

The Union leaders said they were at a loss to understand the reason for this sudden message and its contents. They had been in conference with the employers' representatives at Downing Street practically all Sunday evening and were totally unaware of the fact that inside the *Daily Mail* offices the printers had refused to set a leader which was entitled "For King and Country".

In the end the miners and the Unions had to accept defeat. The General Council of the T.U.C. officially ended the strike on the 13th May, 1926, nine days after its declaration. The Miners' Unions, however, continued the struggle for another six months.

There has been much debate as to the legality of the General Strike. The issue is still an important one, notwithstanding the recent Trade Union and Trade Disputes Act of 1946.

It is a particularly complicated and acutely controversial point of law on which the foremost lawyers have failed to agree.

CHAPTER FOUR

ACTION AND REACTION— 1927 AND 1946

SOON AFTER the General Strike had ended so calamitously for the Trade Unions, the Baldwin Government introduced a Bill in the House of Commons to render a general or sympathetic strike illegal.

Viscount (then Sir John) Simon had already, during the strike, expressed the view that such strikes were unlawful under the law as it stood. That view was strongly challenged, and the contrary opinion powerfully asserted.

By a side-wind, however, judicial support was given to the body of opinion which supported the invalidity of a general strike. It arose out of a judgment in the well-known case of *National Sailors' and Firemen's Union v. Reed* in 1926, delivered by Astbury J. in the Chancery Division.¹ It was an interlocutory judgment on an issue of whether the Union concerned was authorised by its rules to call on its members to take part in a strike. Counsel had not been heard on the question of whether a general strike was good or bad in law, but the learned Judge in an *obiter dictum* expressed the view that such a strike would be illegal. This view was regarded by many lawyers as

¹ (1926) Ch. 536. The legal position of the Trade Unions and the General Strike is discussed by the present Lord Chancellor, Viscount Jowitt (then Sir W. A. Jowitt, K.C.), and his co-authors in *Trade Unionism and the Trade Union Bill*, 1927; and also by H. G. Strauss, K.C., in *Trade Unions and the Law*, 1946.

definitely at variance with the views expressed by the Law Lords in the leading case of *Conway and Wade*, in 1909,¹ and with section 5 of the Trade Disputes Act, 1906.

In passing, an unusual incident apropos of these events, mentioned by Ernest Bevin in the House of Commons in the speech already quoted, should be noted as a matter of historical interest.

The Foreign Secretary (then General Secretary of the Transport and General Workers' Union) said he had, at the time of the above events, been approached "and asked to put up a stooge in order that a case might be stated that the General Strike was illegal." "I thought that," said Bevin, "rather curious, but it is on the records of my Executive to-day—the whole of the correspondence is there."

Following the end of the strike the Baldwin Government presented a Bill in the House of Commons which provided explicitly that a general or sympathetic strike or lock-out was to be illegal.

The test of its illegality was made twofold. First it was to have no object other than, or in addition to, the furtherance of a trade dispute within the trade or industry in which the strikers were engaged. Secondly, it was not to be "designed or calculated to coerce the Government either directly or by inflicting hardship upon the community".

It was also to be a crime to picket so as "to cause in the mind of a person a reasonable apprehension of 'injury' to him or to any member of his family". Picketing homes was made illegal, and the "injury", above mentioned, was made to include injury to "business, occupation, employment or other source of income, and includes any actionable wrong".

¹ (1909) A.C. 506.

Union leaders objected that this provision had no real relation to the events of the strike. They claimed that the Conspiracy and Protection of Property Act, 1875, already covered all cases of violence, intimidation, following about, watching or besetting a place of residence or works of any kind, other than for giving information.

They pressed the view that the Act of 1906 had made the only modification in favour of the Unions which was necessary to secure a just administration of the Act of 1875, namely as regarded "obtaining or giving information".¹

They raised a further objection: they said the House of Lords had, in the well-known case of the Mogul Steamship Company,² held that employers could use stop-orders, black lists, price maintenance agreements, and so on, where the real and predominant purpose was to advance their lawful interests and they honestly believed such action to be essential whatever its effect on the rest of the public might be. The Unions claimed that the above provision meant one law for employers and another for workers.³

The Bill of 1927 also dealt with the question of "contracting-out". It turned the process the other way round and made "contracting-in" essential to payment by any member of a Trade Union of the political levy. That meant he had to state expressly, in black and white, his wish to pay to the political fund of his Union, instead of that intention being assumed unless he expressly "contracted-out." The change proved financially crippling to the Unions and a serious handicap to the development of its membership and political activities.

¹ See Chapter 2, p. 19.

² (1892) A.C. 25.

³ See Chapter 19, p. 197 *et seq.*

Civil Servants in relation to Trade Unions were prohibited from joining any Union with objects that extended beyond the immediate sphere of the actual Civil Service itself. Those of their Unions which had been affiliated to the T.U.C. or the Labour Party had to sever their connections.¹

Finally, a breach of contract of service with a local or public authority *by the employee* was made a criminal offence if the probable result were to cause grave inconvenience to the community.

In the General Election in 1929 which followed these events, the Labour Party found itself again in office with a minority vote in the House of Commons. The Union leaders from the passage of the Bill into law had not relaxed their agitation against the Act of 1927, but there was no prospect then of its reversal in Parliament.

The economic situation of the country was bad and the curve of unemployment was steeply upwards. The wholesale price level had completely broken down, our economy was still tied to the Gold Standard, and a financial crisis was pending. The American collapse had, in fact, already begun, and European banks were failing right and left.

Trade Unions, together with many other sections of the community, inevitably suffered from the general decline these straitened conditions brought about. Their membership fell sharply and their activities contracted visibly.

Yet the policy of the Trade Union Movement was to steer as safe a course as the economic blizzard would allow. Their policy industrially was pacific. Their political calculations were, however, overshadowed and

¹ See Chapter 16, pp. 168 and 173 *et seq.*

embrangled by the sinister and spectacular rise of Adolf Hitler to power in Germany in 1933.

Between 1933 and 1937 the position of the Trade Unions in this country appeared to be steadily improving. A larger number of Trade Unionist M.P.s were elected in 1935, and by the end of 1937 Union membership was reaching five and a half millions.

Industry in these years had happily been largely free of strikes, and the tendency both of workers and employers was, more and more, to exhaust the means of negotiation and arbitration before appealing to the arbitrament of the strike or lock-out. The advantage and goodwill which undoubtedly was gained in this way helped to prepare the ground for the policy which became embodied in the National Arbitration Order 1940, after the outbreak of war.

The year 1938 heard rumbles of unrest among the apprentices and workers in the great Engineering and Transport Industries. Up to then the Trade Unions did not have the right to negotiate on behalf of the apprentices, but this the employers now conceded. That was a decisive gain for the Unions and for industry, for it brought the apprentices into accord with Union policy, and further stability into the organisation of the interested industries.

The Union leaders were looking ahead. Their policy was to build up the strength of the Unions to sustain future efforts to regain the rights they had lost in 1927, and to face the growing responsibilities of the Movement.

In the midst of these preparations in 1939 came the Second World War.

The whole nation closed its ranks, and the whole organisation of the Trade Union Movement bent its full energies to the prosecution of the conflict.

The problems of manpower and war production made the full participation of organised labour indispensable.

In July 1945 the first post-war General Election was held. The old Parliament had lasted ten years, the war's intervention creating a political as well as an industrial truce.

The country returned the Labour Party to power with a sweeping majority over all other groups.

It was part of Labour's programme that if returned to power it would proceed to repeal the Act of 1927. This intention had actually been put on record by the Party when the Bill was going through the House of Commons in 1927. Mr. J. R. Clynes (a former Home Secretary in the MacDonald Ministry of 1923-4) stated unequivocally that the Labour Party would repeal the Act when "it was empowered in due time by the country to become the Government of this land".

The Act was duly repealed on the 22nd May, 1946, by the use of merely one clause. The only other clause in the Act was its title. A schedule contained essential Transitional Provisions for the consequent amendment of the rules of a Trade Union to conform with the requirements of the Act of 1913 as it was before the effect on it of the Act of 1927; and also for the operation of exemptions from contribution to the political fund of a Union in accordance with the Act of 1913.

The debate, on the introduction of the Labour Government Bill, in a crowded House of Commons, was historic and passionate. It produced an unprecedented and memorable scene. The central and most colourful figure in this dramatic clash of political forces, personalities and principles was the man who had played the leading role in the events of 1926—Ernest Bevin, the penniless van

boy who started his working life delivering bottles of mineral waters in the streets of Bristol, and whose crowning work for the Trade Union Movement was the powerful organisation of the Transport and General Workers' Union. His story of the General Strike held the House of Commons spellbound. It will rank among the greatest episodes in Parliamentary history.

Standing at the "Despatch Box", Secretary of State for Foreign Affairs, one of the most powerful members of the Cabinet, the incarnation of centuries of grim working-class struggle, and the triumph of the free and unconquerable institutions enshrined in the Citadel of British Democracy, he told the story he had, as he said, "been waiting to tell the country for twenty years". The speech is probably unequalled in drama and significance in the annals of Trade Union history.

Bevin declared that the Act of 1927 "... was the only Trade Unions Act carried in the history of this country to which the Government of the day refused an inquiry and refused to allow Trade Unions to state their case. Time after time," he said, "I spoke to Mr. Baldwin, the then Minister of Labour, and I said, 'Before you tamper with the Trade Union law will you set up a public inquiry and allow us to state our case?'" He told of the heavy deflation of the currency in 1921 which upset the whole wage standards of the country and the disastrous effect of the restoration of the Gold Standard.

Then he recounted how the wage situation of the miners, the railwaymen and other workers was dealt with, and asserted that as regards the Coal Industry, "not one of the recommendations of the Samuel or Sankey Commissions had been carried out . . . not a thing had been done to make the industry better in order to produce

the results that were required". He told of how the Agricultural Industry "was attacked".

Then he turned to the negotiations over the settling of the strike, at Downing Street, and other matters set out earlier in these pages.

History can be left to give its verdict on the strike of 1926. Lawyers and politicians were and will continue to be divided on its facts, its law and its issues. What is, in my view, clear beyond all dispute, is that Parliament on 22nd May, 1946, accorded to Trade Unions rehabilitation, and the full recognition of the State.

Such is now the turn of the wheel of fortune for the Trade Unions that someone has recently humorously observed of the Crown Proceedings Act, 1947, that whereas formerly the only instance in which no action in tort lay was against the Crown, now the Crown *is* liable, and the only one immune from such an action is the Trade Union.¹

¹ See p. 17 for meaning of "tort".

CHAPTER FIVE

THE "TRADES UNION CONGRESS"

THE HISTORY of the Trades Union Congress began in 1864 with an event of the greatest importance to the later development of the Trade Union Movement—the first national Trade Union Conference was held in London.

This meeting was called together at the instigation of Alexander Campbell, a miner and one of the foremost leaders of the Glasgow Trades Council. Its primary purpose was to consider what action should be taken on behalf of the whole of the workers to get rid of the unjust operation of the Law of Master and Servant.

Under the law, as it then stood, there was a marked difference in the *status* of the master as compared to the servant. Their respective rights were completely unequal. Privileges were enjoyed by the former that were denied the latter, and unfair obligations and penalties were imposed on the servant.

It was, for example, a *crime* for anyone to leave employment without notice, and if that were done punishment by imprisonment could be and was imposed. On the other hand, a breach by the employer which put an end to or altered the conditions of employment, however substantially, merely exposed him to an action for damages in the civil courts. If a workman quitted his job, leaving his work unfinished, he also incurred criminal liability.

These conditions were aggravated by the fact that an accused person was, in those days, prohibited from giving evidence in his own behalf, with the invidious result that the workman was shut out of the witness-box when he was the culprit, while in the case of the employer, it was otherwise because his offence was only a "civil" wrong.

The mineworkers were the hardest hit by the unjust and unequal state of the law. Alexander Campbell had already mobilised them, on this issue, in 1863, in a Conference of Miners held in Leeds, which had also demanded legislation to protect the life, limb and wage of the miners, and to have the right to the free appointment of checkweighmen.

The London Conference was intended to marshal and consolidate the entire labour forces behind this movement and at the same time to agitate for a general improvement in the wages and working conditions of every trade.

The Conference did not evince the solidarity of the workers nor secure the unanimity of their representatives. It had the effect, however, of showing up the fact that most of the workers were ill-organised, and women and children workers not organised at all.

The aim of those responsible for the London Conference was not relaxed. The process of taking collective counsel was resumed in Sheffield in 1866 in the form of a National Conference of Trade Union delegates called the United Kingdom Alliance of Organised Trades.

This Conference, in the light of subsequent events, laid the foundation of the Trades Union Congress as it has since developed.

Round about 1866 was a stormy period for the Trade Unions. It was the time of the famous "Sheffield outrages". The cause of these was the practice of

intimidation and destroying workmen's tools resorted to by the Iron and Cutlery Unions in Sheffield to deal with "blacklegs", so as to exert pressure on them to join the Unions. An example of one of the outrages was the depositing of a can of powder in the chimney of the house of one of the blacklegs which resulted in an explosion that had grave consequences.

Employers and the Press united in a strong demand for the suppression of the whole Trade Union Movement.

This rallied all the organised workers, but divided counsels and differences of policy between the various Unions still weakened their joint action. Another effort was made to reconcile these differences in 1867 when a National Conference was called, but by then the gulf had become even wider. The "Amalgamated Trades" consisting of skilled craftsmen such as engineers, cotton spinners, compositors and carpenters manifested a preference to act on their own independently of the principal Trade Unions in the North of England and the smaller Societies attached to the London Trades Council. The real reason for this division was the wish of the "Amalgamated" Societies to demonstrate that they disapproved of and dissociated themselves from the violent practices connected with the "Sheffield outrages".

The result of this cleavage was the creation of two rival Trade Union bodies, one elected by the 1867 Conference, and the other elected by the "Amalgamated Trades". Both claimed to be the authentic voice of organised labour. The schism in the workers' ranks was deeply injurious to their common interests. Further, a Royal Commission had just been appointed to inquire into the whole subject of Trade Union rights, and the crucial question arose: Who was to state the Trade Union case?

In the end the "Amalgamated" Societies prevailed. Two of their outstanding men, Thomas Hughes, a lawyer and the author of *Tom Brown's School Days*, and Frederic Harrison, showed such skill in the presentation of the Unions' case, that the other Unions willingly buried the hatchet and sought collaboration.

Unity was secured in 1868, at the Trade Union Conference at Manchester, when representatives of all sections of the Movement came together pledged to working-class solidarity. That firmly and finally established the Trades Union Congress.

The next meeting of the T.U.C. was at Birmingham in 1869 when its first "Parliamentary Committee" was appointed. That Committee constituted the only central organisation of the Trade Union Movement for many years. The function of the Committee was to promote the electoral and parliamentary power of the working classes, and to bring these to bear, with effect, on any important political, social or industrial question, in the issue of which the interests of trade unionists were involved.

It was also concerned with lobbying M.P.s, and sending deputations to the various Ministers and watching current legislation.

The solidarity shown in the Congress itself did not, at first, find expression inside the wider sphere of the Unions themselves. There was sharp and sometimes bitter disagreement between the Unions which now and then threatened seriously to damage the cause of working-class unity which claimed to be represented by the T.U.C. One of the great drawbacks was the absence of any machinery for the common direction by the Congress, or its Parliamentary Committee, of general policy or action.

At that time the chief preoccupation of the Unions was, separately, to secure parliamentary representation. The view appears to have prevailed in the Unions that the best way of serving the interests of their workers was to secure as big a voice as possible in the House of Commons. The politicians therefore mainly monopolised the industrial stage as the leading spokesmen and champions of the workers. The "Parliamentary Committee" was in consequence the main lever of T.U.C. action.

Little change took place in the constitution of the T.U.C. for the next two decades. Then came an important turning point in Trade Union history—the Dock Strike of 1889 which shook the whole Labour movement to its centre. Union action throughout the country became tremendously intensified and united its entire organisation in defence of the less skilled worker.

At the beginning the trouble looked small and unimportant. A handful of men at the South West India Dock refused to work on account of some trivial disagreement. The momentum of action and resentment among the dockers, however, quickly grew. Almost overnight a Dockers' Union was formed. Work at the dock stopped and the Port of London, for the first time in over a hundred years, found itself shut. Tom Mann, Ben Tillett, and John Burns took command on behalf of the men. A great march of dockers was led by Burns (later to become a Privy Councillor and Cabinet Minister) round the Metropolis, with forty-one banners defiantly unfurled. Marches became a daily ritual of the strikers who gathered numbers with each demonstration.

The quarrel between the men and their employers was mainly over a claim for a minimum wage of sixpence an hour, and the conditions of "sweating". On both these

issues the employers refused to move. For two weeks the strike continued, and how the huge number involved in the struggle managed to maintain itself was something of a miracle. Out of sheer desperation the leaders decided on a general strike. A new and unexpected ally averted this blow—£30,000 fell into the lap of the strikers.

The source of this good fortune was Brisbane, Australia. The wharf labourers there had mobilised themselves to provide help for their London brothers. An uprush of sympathy thereupon swept the whole of Australia. Everyone there did something to help the dockers.

This transformed the whole situation. The general strike was cancelled, and in the end the London dockers' demands were satisfied by the employers.

This event profoundly influenced the subsequent policy and strength of the T.U.C. The number of trade unionists multiplied rapidly. New Trade Unions were formed all over the country. The unskilled workers became organised in their tens of thousands for the first time.

The new impetus did not only mean extension of organisation and numbers, a more powerful consequence was the spirit of militancy that pervaded the entire Trade Union Movement.

The effect on the T.U.C. in terms of manpower was that whilst in 1885 it had only half a million members, in 1890 it had 1,600,000. This trend was later, in 1892, to be checked by the sharp decline of trade.

Prior to 1895 there was no rule to prevent anyone not an actual worker at a trade or a full-time official from attending Congress. This position was changed in 1895 when Standing Orders were amended so as to make these two qualifications *sine qua non* to admission to Congress,

The effect of this was to establish the T.U.C. solely as an organ of industrial representation.

The policy which had been pursued by the individual unions of securing reliable support in the House of Commons was not overlooked by the Congress. Its accomplishment became more and more insisted upon.

Although there was by no means equal enthusiasm for the idea inside the T.U.C., it had gathered such general support that in 1899 Congress passed a resolution to convene a Conference of all working-class sections to promote the election of Labour representatives to the House of Commons.

The Conference met in 1900—and from it the present Labour Party owes its origin, an event which confirms what Ernest Bevin emphasised just before the last war at a meeting of the T.U.C., that “Our predecessors formed this Party. It was not Keir Hardie. The Labour Party grew out of the bowels of the T.U.C.” (It is interesting, too, to recall that it was Ernest Bevin who drew up the draft of the present Constitution of the T.U.C.)

The political aims of this Conference were slow to mature. In the 1900 General Election only seven Labour Members and three “Lib-Labs” were returned.

The Taff Vale case¹ had, however, forced the T.U.C. and the Trade Unions to take energetic steps to strengthen their influence in Parliament to get this crippling decision of the House of Lords repealed.

In consequence of that decision Congress, in 1903, began to build up a Political Fund devoted directly to these objects.

This policy had, by 1906, resulted in the election of thirty Labour M.P.s and twenty-four “Lib-Labs”

¹ See Chapter 2, p. 14 *et seq.*

In the 1906 General Election the Liberal^{*} Party had won decisively. The primary issue was Free Trade, but the T.U.C.'s demand for a reversal of the Taff Vale decision played a major part, as we have seen in an earlier chapter.¹ On this issue the T.U.C. and political Labour won the day.

Then in 1909 came the Osborne Judgment.² The whole political fabric of the Trade Union organisation was at one stroke completely undermined.

The T.U.C. again turned its spotlight on to the political arena. The General Election of 1910 left Labour representation substantially as before. A second appeal to the country came that year, caused by the conflict between the Commons and the Lords. The T.U.C. strongly asserted its claim for the repeal by Parliament of the Osborne Judgment. That was now backed by forty-two Labour Members.

By 1913 the T.U.C. demand was satisfied.

The First World War, in 1914, provided the T.U.C. with entirely new problems and great national responsibilities. It at once declared an "Industrial Truce". All claims for increased wages and improved conditions were postponed "for the duration", and the T.U.C. gave its official support to the Government in the conduct of the war.

With the end of the war in 1918 certain Trade Union grievances, repressed until then, came to the surface and many strikes ensued. The situation became so serious that the T.U.C. censured its Parliamentary Committee for failing to convene a special conference to deal with the crisis.

The upshot actually was that the "Parliamentary

¹ See Chapter 2, p. 14 *et seq.*

² *Ibid.*, p. 21 *et seq.*

Committee⁶” was dissolved and replaced soon after by the “General Council”, as the executive body of the T.U.C.

To these industrial troubles was added the Sinn Fein conflict in Ireland, and the antagonism of the Government to the newly-formed Soviets in Northern Russia.

The T.U.C. demanded the cessation of both these campaigns. Neither had much support in the country, and in 1920 the T.U.C. voted for strike action to secure an end of hostilities in Russia. A Council of Action was formed, but British troops were withdrawn and our military commitments in Russia ended.

The industrial respite from conflict did not last long. In 1921 the Triple Alliance, comprised of Miners, N.U.R. and Transport Workers, backed the miners in their resistance to cuts in wages. A “lock-out” of the miners followed. The T.U.C. supported the miners without success. T.U.C. membership deteriorated badly and wages took a downward curve.

The T.U.C. pursued a cautious and patient policy, the General Council refusing to admit to the Movement the Communist Party which was showing signs of strong activity.

It is one of the phenomena of industrial as well as political unrest, whether national or international, that it is invariably followed by intensified activity by those whose views are well to the left of the road in political thought. In this country it is not significant but symptomatic. It is not proof of support for the philosophy of Communism but rather a protest against prevailing economic conditions. The Communist element in the Trade Union Movement (no longer debarred from membership since 1943) has a degree of energetic and skilful organising

capacity and propaganda dynamic, far in excess of its numerical strength. Examples of this fact are Arthur Horner, the General Secretary of the National Union of Mineworkers (N.U.M.), and Jack Tanner, of the Amalgamated Engineers' Union (A.E.U.), who are trusted leaders and officials of the Trade Union Movement.

In 1922 the T.U.C. acquired the *Daily Herald* to whose rescue financially it had gone earlier. Changes have since been made in the ownership of this leading national newspaper, but the T.U.C. still retains a considerable holding in it, and an important voice in its policy on political and industrial issues.

The Press and publicity activities of the T.U.C. also embraces, either alone or jointly, a large number of other publications.¹

In 1926 the T.U.C. gave its support to the miners. Its hands were somewhat tied by the miners' slogan, "Not a penny off the pay, not a minute on the day," but it actively entered into negotiations with the Baldwin Cabinet, and had in fact brought the matter to a point where a settlement seemed assured. For reasons thought adequate by Mr. Baldwin (as he then was) and his colleagues, negotiations were abruptly determined to the complete amazement of the T.U.C. representatives. The calamity of the General Strike followed.

On the 12th May, 1926, the T.U.C. took the responsibility for calling the strike, although this was against the decision of the Miners' Union. The miners in fact fought on hopelessly for another six months.

The effect of this industrial upheaval on the T.U.C. lasted until the Second World War. By 1934 its membership had declined to 3,300,000 as against 6,500,000 in 1920.

¹ See Chapter 11, p. 121 *et seq.*

The General Council of the T.U.C. is, in effect, the General Staff of the Industrial Movement. Election to the Council is on the basis of a fixed number of members for each group. That is to say, it is based on a classification according to industry. The constituent members of each group nominate their candidates for election to the Council and every Union votes for or against these.

It is important to understand that there is no obligation on any Union to notify the T.U.C. of any trade dispute. Technically, in such a case the General Council is *functus officio*. In practice the T.U.C. can, and does, bring pressure and influence to bear on any such case, if the circumstances require it. The need for the "moral and material" support of the T.U.C. in such an event is great, and in any case of consequence would be indispensable. The moral influence of the T.U.C.'s approval in these matters is accordingly considerable if not conclusive.

The General Council tends increasingly to exercise a steadying and consultative authority in the settlement of pending or potential trade disputes. The war had the effect of making everyone see the need and sense of workers and employers getting together and hammering out their differences. The result is, as the Minister of Labour (the Rt. Hon. George Isaacs, M.P.) recently told the House of Commons, that it is probably truer to-day than ever before that there is now "a first-class relationship between employers, workers, and the Government."

Apart from setting up more Joint Industrial Councils,¹ a new feature was in the war years introduced in the form of a Consultative Committee on which the General Council of the T.U.C. was represented in company with members of the British Employers' Confederation. It was

¹ Familiarly known as Whitley Councils. See Chapter 10, p. 100 *et seq.*

the function of this important Committee to advise the Minister of Labour on all current industrial matters. Prominent among these was the urgent question of providing against the stoppage of work and strikes from disputes about wages.

The voluntary regulation of such problems was agreed on all sides to be right. The course adopted was to make available improved joint machinery (in the different industries and trades), to secure more effective means of enforcing the joint decisions arrived at, either on rates of wages or the reference of any particular claims to arbitration in matters which could not be settled between the workers and their employers. (It is interesting to note in passing that in the years 1940-3 the loss of time due to strikes amounted to the low figure of one hour per worker per year.)

These activities have led in some quarters to views that the T.U.C. is directing industrial policy, because the Government consults it. The fact is that all Governments, irrespective of Party, have been so consulting the T.U.C. for years, and in the light of practical circumstances it seems sensible to do so.

During the war a tripartite arrangement was come to, consisting of the Government, Trade Unions and Employers in different industries. A Joint Consultative Committee for each principal industry assisted the Minister of Labour, who consulted this body on all matters affecting its particular industry. These Committees continued to be consulted throughout the war, and are still so consulted.

The T.U.C. is also identified with the British Employers' Confederation as a Joint Consultative Committee in advising the Government on major questions of common

interest to each other and on building up and maintaining the whole system of collective bargaining on which industrial relations are based.

The T.U.C. also nominates half the industrial members appointed to the Economic Planning Board which advises the Government on the best use of the national resources. The F.B.I. and B.E.C. nominate the remainder.

In June 1946 the Minister of Labour recalled the National Joint Advisory Council. This was formed immediately prior to the outbreak of war in 1939, but was practically superseded in 1940 by the Joint Consultative Committee. The N.J.A.C. consists of fifteen members from each side of industry and advises on all matters in which both have a common interest. It does not, however, interfere with any negotiating machinery through which wage agreements are reached. The J.C.C. still functions and is virtually the Executive Committee of the N.J.A.C. The Council meets quarterly and has the guidance and, if necessary, the attendance of Ministers whenever the business concerns their respective departments. This work carries with it no remuneration. It is voluntary on the part of both sides and is a tribute to the public spiritedness both workers and employers so often show in these matters.

The Trades Union Congress is held annually in September and its session usually lasts a week. All Unions and organisations affiliated to the T.U.C. are entitled to send delegates to the Annual Congress in the proportion of one to every 5,000 members (or any fraction thereof).

The business of Congress is arranged by its General Purposes Committee which consists of five members of the General Council.

The President of the Council is not elected by the

Congress itself but by the General Council at its first meeting after the Annual Congress. He also presides as Chairman of the General Council during his year of office.

The business transacted by Congress is contained in its Annual Report, Resolutions on the Agenda or Composite Resolutions. There is also a Debate on the Report and the Resolutions. The Chairman of the Scrutineers gives his Report together with the result of the ballot on the election to the General Council, the votes being merged so as to give the result in groups.

The Report itself is a weighty and detailed document covering the whole range of Trade Union policy and activity, divided into sections dealing with such varied subjects as Disputes between Unions, and the Findings and Awards of the Disputes Committee which is appointed to deal with such disputes as are reported to the General Council; Organisation, including the dealing with specialised problems of non-manual workers, local government employees, and nursing service members; Trades Councils' Joint Consultative Committee; Safety and Welfare; National Health Service; Wages Councils; International and Colonial questions; Problems of Production, and many others.

The Congress Debates are of a very high and expert order, reflecting the great store of experience which the leaders of the Movement and delegates bring to the questions under consideration.

Strictly speaking the T.U.C. has no power to intervene in any dispute between individual Unions. It can, however, disaffiliate any Union which, in the opinion of the T.U.C., is acting in conflict with that body's interest and policy. Further, the prestige and authority of the T.U.C.

would count heavily in any case where it sought to act as inter-Union Arbitrator.

The T.U.C.'s writ does not run in Scotland which has its own Congress, but interlocking affiliations between the Scottish members and the British Unions make the separation more apparent than real. On the other hand, the Irish T.U.C. is quite independent and has no connecting link with its opposite English number.

The T.U.C. is one of the three bodies constituting the "National Council of Labour"; the others being the Labour Party and the Co-operative Union. The Council co-ordinates the political, industrial and economic policy of the three constituents, and publishes statements of policy and decision on behalf of the entire working-class movement.

The T.U.C. is destined more and more to play a major role in the future social and economic history of our country. Its place in the Trade Union Movement, therefore, becomes an increasingly responsible one not merely to the worker but to the community as a whole.

PART TWO

THE STRUCTURE OF BRITISH
TRADE UNIONS

CHAPTER SIX

A UNIFIED AND DEMOCRATIC MACHINE

(a) Amalgamation and Federation

THE TRADE UNIONS are now a well-developed and high-powered organisation. They unite many diverse industrial groups into a national Union. Within the framework of the organisation itself a multifariety of problems has to be provided for. That requires its structure to be so formed as to be capable of expansion and adaptation. In very large Unions, like the Transport and General Workers' Union, the individual groups have their own special problems and sometimes need their own special machinery for dealing with these problems. In this respect, whilst it is essential to construct the Union on a basis of maintaining unity, the difficulties of uniformity have to be adjusted.

The complexity and the rapid and radical changes in post-war industry make it imperative that the machinery of the Union should respond accordingly.

There is the over-riding factor that a Union is a voluntary body of workers united together for democratic and common action, and it is from them that the collective authority and representative action of the organisation is derived.

The trend towards Amalgamation and Federation has been going on for some time. A good example of it in

the last quarter of a century is the Transport and General Workers' Union. One of the foremost Unions in the world, it was constituted in 1922 by the amalgamation of fourteen Unions representing the various sections of workers in transport and general labour. Since then many other Unions have become members of this great industrial body which continues to expand.

A large measure of the success of this outstanding amalgamation was due to Ernest Bevin.

There are also notable cases of amalgamation since 1930. Among these are the National Union of Tailors and Garment Workers, the National Union of Dyers, Bleachers and Textile Workers, the National Union of Clerical and Administrative Workers, the National Union of Distributive and Allied Workers, and the National Amalgamated Union of Shop Assistants, Warehousemen and Clerks, and the National Union of Mineworkers, whose first President is the well-known miners' leader, Will Lawther, who has risen rapidly to his present high office and distinguished place in Trade Unionism from the humblest position.

The Building Trade is a case in point where Amalgamation is claimed to be urgently required to strengthen and broaden its constitution and organisation. At present there are seventeen Unions which cover this industry, with the result that it is said that united action is hampered and essential uniformity of conditions and wages suffer. By uniting all sections strength would be added to the whole as in the case of the National Union of Mineworkers. The T.U.C. has, in fact, recommended four Unions for the Building Trade, and this is also the policy of the National Federation of Building Trade Operatives. There seems every ground for thinking that a unified and

strong organisation in this trade would produce much advantage to its members and to the community.

Amalgamation is, of course, entirely a voluntary step. To give effect to it requires a twenty per cent majority of the members voting, and at least fifty per cent of the members must have voted.

There is another factor to be taken into account. Certain Unions in allied and associated trades have formed themselves into "Federations". These, unlike amalgamations, are organically separate, but they join forces and correlate action on such questions as Wages Policy and Conditions of Work. They also have to be provided for constitutionally. These Federations have been called a "half-way house on the road to amalgamation". Examples are the National Joint Council of Railway Unions, the Confederation of Shipbuilding and Engineering Unions, and the National Federation of Building Operatives which has already been mentioned. A recently formed Federation is that comprising the Theatre Unions. There are a large number of Federations, many of which are not affiliated to the T.U.C.

Federations such as those mentioned above are constituted so as to direct the policy and actions concerning the associated Unions.

(b) Local and National Organisation

In the general case the organisation of the Unions conforms, as a rule, to a local (or area) and national pattern. The principle is that every member has to belong to a branch of his Union in the area in which he works or resides. Having joined his branch he becomes duly allocated to the appropriate Trade Group or section under

which his occupation is ranged. It is the Trade Group which is the main basis of the organisation of the Union as a whole; or, to use an authoritative formula, the fundamental basis upon which the Union is built is Trade Group Organisation linked up with Territorial Organisation. The organisation of the Trade Union structure will be easily followed by a reference to the chart.¹

✓ The areas are arranged so as to provide an equitable allocation of the industrial centres without regard to trade interests. Each member enjoys the full rights of branch membership irrespective of the particular trade to which he belongs. The Trade Groups consist of those members who belong to any one of the trades in each group, e.g. a coal trimmer would come into the "Docks" Trade Group; or a steel bender and fixer would come into the "Building Trade Workers" Group.

The branch is the first unit of organisation. It usually consists of a specified minimum number of the Union members. The officers, a chairman and secretary with a Committee, hold office usually for two years, although a permanent secretary is sometimes appointed. Collectors and shop stewards are also usually elected where the membership warrants, and especially in branches where the membership is scattered, or in factories with different departments. The shop steward facilitates the collection of the Union contributions and also deals on the spot with minor problems affecting individual members, fixed rates, and generally represents the men in the shop or factory. He is also the medium through which a member raises any matter with his branch.

The branch business is conducted through its meetings, usually held monthly and also quarterly.

¹ Facing p. 57.

As the branch occupies a place of primary importance in Trade Union structure, unless it is strong the whole organisation is weakened. That is why every Union concentrates on fostering in its membership a strong sense of comradeship and responsibility in each of its branches.

The Trade Groups work through Area Group Committees elected by the Group members and are the focal point for representation from all Trade Groups in the area elected by the district committees. Representation on and election to the Area Group Committee varies according to practical needs.

It may be on a district, branch or trade basis, or by ballot vote of the members over the area. Its meetings are held quarterly, but special emergency meetings may be convened. The function of the Area Trade Group is advisory on questions of organisation, wage movements, and the general position of the group. If, for example, a branch submits a resolution to determine an agreement or to initiate a wage movement, it is the duty of the Area Group Committee to study the branch proposal and advise the National Group Committee thereon. The Area Group Committee has a direct approach to the General Executive Council of the Union. It also co-ordinates the work of the Area Trade Groups in relation to such matters as organisation and propaganda, and industrial movements affecting the various groups. It advises the General Executive Council on actual or possible disputes between the groups or in their industries. It is responsible for matters of finance and benefits administration. In fine, it is the guide, philosopher and friend of all those in its area for whom it is responsible.

Although the Area Trade Group Committees are normally the first trade link with the branches there are cases

in which what are called "district committees" are constituted in their place.

This is usually determined by special circumstances of a geographical and numerical consideration. Such a situation arises in the case of large Unions, such as the Transport and General Workers' Union and the Amalgamated Engineering Union. In the former, for instance, the membership in South Wales and in the South-West is largely centred in the port areas. In the case of the A.E.U. there are a number of branches to be found in the same district. In such circumstances the machinery of the District Committee is used. This Committee is composed of delegates from the various branches in the particular district concerned. *Mutatis mutandis* a District Committee functions in the same way as an Area Trade Group Committee.

The branch has been called "the first unit of organisation"; the Area or District Committee is "the first administrative and co-ordinating link in the scheme of organisation".

¶ In the structure of national organisation a good example is the pattern used by the large Unions. In that scheme the principal trade bodies are the National Trade Group Committees. These are constituted for each Trade Group. The election to this committee is from the Area Trade Group Committees except in those cases where the District Committee system applies. In the latter case the Area Committee concerned decides the form of election, e.g. by ballot, or by or from the District Committee, and only those members directly associated with the Trade Group concerned have the right to nominate and vote in the election. In this way the principle of maintaining a trade entity throughout the organisation is secured.

The size of the National Trade Group Committee, in each case, is determined by the General Executive Council of the Union, subject to consultation with the interests concerned, the deciding factor being that full opportunity should be afforded to all the trade sections in the group concerned to give expression to their views and to ensure that an effective committee is constituted. Meetings of the Committee are usually held quarterly, but in an emergency a special meeting may be convened with the consent of the General Executive Council.

The duty of the National Trade Group Committee is to supervise the organisation and general business of its group, and to co-ordinate and guide the work of the Area Groups, formulating the wage conditions and the policy of organisation. In major matters, however, its decisions are subject to confirmation by the General Executive Council of the Union, e.g. where a matter affects more than one group, or where labour is withdrawn. Democratic control is also secured by National Trade Delegate Conferences in cases where the whole of a trade or industry is concerned.

National Trade Sections also operate for framing the constitution and for inter-linking large blocks of closely related membership, e.g., flour milling, agricultural and fishing section of the Transport and General Workers' Union, but those in turn are subject to the authority of the groups of which the sections are an integral part.

The working of this system is made to secure democratic requirements by means of National Trade Delegates Conferences where the matters in issue affect the whole of a trade or industry. No ratification of any decision or agreement affecting such a trade or industry is given without such a Conference.

The object is to ensure that this unified and democratic machine is sufficiently flexible for the needs of each particular industry, and by-laws may be made by the National Trade Group Committees, with the approval of the General Executive Council, so as to accomplish that purpose.

The General Executive Council of the Union is the principal administrative authority, apart from the Annual, Biennial, or other periodical Delegate Conference. It has the function of general direction and administration of the Union as a whole, and presents an account of its stewardship to the Delegate Conference which represents the whole membership and is the final sovereign authority of the Union.

The G.E.C. consists of territorial and group representation. The territorial representatives are elected by ballot vote of the area members irrespective of trade, and the scale of representation is limited by the number of the members.

The Trade Group representatives are elected by and from the National Trade Group Committees. Thus a merger is secured between Area and Trade interests with the desirable result that each Trade Group and the general membership combine in providing a salutary balance of interest and voice at the summit of Union administration. The G.E.C. holds office for two years. It controls the finances of the Union, and the investment of its funds. It supervises and steers the work of the National and Area Committees and Union branches. It decides all matters of high policy, such as the sanctioning of a strike. If the strike involves the whole Union or several of its groups, it is usually necessary first to convene an Emergency Conference. If that votes for the strike, the

G.E.C. has to take a ballot of all the members and then acts on the result.

The principle of having only lay-members (that is non-official members) on all constitutional committees of the Unions applies equally to the G.E.C. This maintains intact the control of the organisation by its lay members.

The Council's duties are exercised by means of reports from its many departments and officers, so as to enable it to have a comprehensive and authentic picture of the position of the Union in all essential and inter-connected respects. This brings under specific and detailed review the work of every department and officer of the organisation, e.g., Finance and General Purposes Committee, the General Secretary, Financial Secretary, as well as of each National Group Committee, Area Committee, and so on.

The system of reports is a "two-way passage". The Council equally adopts the practice of reporting to the National Group and Area Committees, upon the Council's proceedings. The latter Committees in their turn report to the Area Trade Groups and District Committees who finally report to the branches. In that way the administrative and group contact throughout the whole structure provides the essential apparatus of cohesion, co-operation and communication.

The chief officers of the Union are appointed by the G.E.C. except in the case of the General Secretary and Financial Secretary, who are elected by ballot vote of the membership.

The "Delegate Conference" is the final authority of Union policy and control. The formulation of the rules and regulations which govern the activities of the organisation in all its sections, and to which the whole of the members are subject is in the decision of Conference. No

other body has power to amend, or affirm, or annul any of these rules and regulations. The members through their representative delegates are masters in their own house, subject only to the democratic limitation of the voice of the majority prevailing.

The constitution of the Conference itself is prescribed by the Union's rules. It is composed entirely of lay representatives elected on a membership basis by and from the constituent bodies of the Union, such as, for example, the Area Trade Groups.

The principal officers of the Union, the General Secretary, Financial Secretary and National Trade Group Secretaries, together with the departmental heads at Head Office, are *ex officio* in attendance at the Conference. The General Council itself is represented directly by such number of its body as is prescribed by the rules. Their right, however, is, ordinarily, confined to participation in debate but not in voting.

The procedure at Conference is not unlike that which has been described in the case of the Trades Union Congress. There is a report by the G.E.C. which is discussed and is subject to amendment, rejection, reference back and so forth. There are also questions of policy, Union well-being and administration. The right of intervention by the Conference in the conduct, policy and administration of the Union and its officers is bounded only by the limits of its rules and regulations.

Resolutions may be submitted for the consideration and decision of Conference by all the Committees—National, Area Group, District, Area Committees and Branches. Equally, the G.E.C. may, if it thinks it desirable, submit such resolutions as it decides in the interest of the Union or the Movement.

The Conference also appoints an Appeals Committee to hear and determine such appeals as are lodged against decisions of the G.E.C. during the ensuing year. From its decisions there is no right of appeal.

Special Delegate Conferences are summoned in cases of emergency. Such a Conference must as a rule be convened before any sanction is given to a strike involving the whole or two or more National Trade Groups of the Union.

CHAPTER SEVEN

MEMBERSHIP AND FINANCE

(a) Members' Rights, Duties and Responsibilities

THE APHORISM that a chain is no stronger than its weakest link applies with great force to the Trade Unions in relation to their members. The Union is, above all, a community of workers who have pooled their industrial interests and well-being in the destinies of their Union. At the same time the Union is an agency of great collective responsibility and all who lead and compose it owe a duty to the general welfare of the nation as a whole to pursue a policy which, while it protects and provides for its members, does not act against the public good. The strongest example of that balance of policy is provided in time of war when the Unions reorientate their whole objective to the defeat of the national enemy. The need for a continuance of this process in time of peace is still there, only it is a matter of degree. Restrictive practices, wage movements, strikes and the like are all matters in which the member is supremely concerned and in the end decides.

In the purely domestic sphere of the organisation the good of all the members has to envisage the necessities of each. "What is not good for the single bee is bad for the whole swarm" is an axiom of membership which in a movement like Trade Unionism is of vital importance. It is for that reason that all the elaborate machinery of

control over and voice in administration, at which we have already glanced, was devised. It is a mistake to assume that the only test is the relation between the member and his Union. It transcends that conception by a long way. It impinges strongly on the relation with other Trade Unions and their members. It affects the member and his capacity as a citizen and the rights he enjoys as such, and the relationship of the State and the individual. It involves two associations: one provided by combination through his Trade Union and with all other Unions, and the other in company with the rest of society.

In each of these cases, in a free State, a man has rights, and in both, as in most mutual compacts express or implied, he has obligations. It is a reciprocal process on which alone a free and authoritative society can stand. It is the element of "mutuality" essential to the most ordinary contracts of everyday life.

On this element of association a profound student of philosophy and society, the eminent essayist Froude, has observed that "It is with man as it is with the iron atom, namely, it is only in permanent combination that human beings develop their finest qualities."

This has been manifestly true of working-class combination to protect their rights, their standards of life, their wages and working conditions, even their industrial and sometimes their political liberty. It has produced some of the finest examples of human service in the great cause of working-class emancipation, and untold blessings to countless millions.

These are higher things than the immediate common-places of Trade Union membership, but they are the things which have got to be looked at in assessing this aspect of Trade Union life.

Moreover, as Ernest Bevin says in a valuable book he published immediately before the last war on the work of his remarkable Union, this relationship of the individual to the organisation "raises all sorts of questions connected with individual liberty, freedom of thought and speech, freedom of association, and the use of force by the State for the purpose of coercing the individual citizen," and "enables him to reflect, not only on his own rights and privileges, but also on the duties and obligations which he owes to his family, his neighbours, his workmates and, indeed, all the individuals, organisations and institutions that come into his life." That is a great conception. No creed built on that rock can fail to stand.

"Any member," adds Mr. Bevin, "who has the time and opportunity should look into some of the books on political philosophy, beginning with the works of Plato and Aristotle and ending with the modern exponents of Socialism and Communism. A comparison of the theories put forward will help in the consideration of the problems of national and local Government, and the government and administration of his Union."

There are to-day something in the region of 9,000,000 Trade Union members. Add their families to that number and you get a huge total, a very large part of the whole electorate. (Incidentally the highest point which Trade Union membership had previously reached was at the end of 1920 when it was 8,348,000.)¹

The reciprocal principle of Rights and Duties rests upon the solid ground as regards the Unions, that the Trade Union Movement from its inception gave to its members

¹ M.O.L. Report, 1939-46, Cmd. 7225, p. 308. See also M.O.L. Gazette, 1947.

material and moral support right through their working life, and as regards the workers, that in those earlier days the Union was part of its members' lives, joined by them as very young men, giving to it the best that they could. There you had the true spirit of mutual service. The 'thirties and 'forties narrowed this fuller concept of the Movement, limiting it largely to the skilled worker, the better paid and key workers in industry.

It was they who conceived a Union based purely on their own interests and the bettering of *their* conditions without political intervention.

The Unions which sprang up later to this produced great organisers and a broader vision in its members. These Unions were fortunate in their generation in their members. Intelligence was not the exclusive property of the organiser or the leader. The working-class had learned the value of leadership and that you could not have it without a closely-knit, well-disciplined, duty-conscious membership. Yet, all did not go well. A labour aristocracy began to grow up in the Movement, pitting one section against another. Sidney and Beatrice Webb in their work, *The History of Trade Unionism*, caustically remark of this period, "... all observers were agreed that the Trade Unions of Great Britain would furnish an impenetrable barrier against Socialist projects." The mortar that kept the Movement firm on its old foundations at this crisis was the invincible faith and unbreakable determination of the workers, the rank and file of the Trade Union membership.

The political factor in the end decided Trade Union policy. It was the individual members who, dominated by the missionary ardour of men like William Morris, Keir Hardie and H. M. Hyndman, and the early Fabian

Movement, laid the foundations of the modern concept of the British Trade Union Movement.

To-day the Trade Unions have strong political affiliations. They have gone back to the policy that originally motivated the Movement. They are no longer satisfied to look at their own industrial problems; they regard themselves as part of the whole community and as such bound up with the destinies and problems of the community.

The difference between to-day and a hundred years ago is that the Unions are now a great storehouse of experience and a powerful bastion of organisation. All the old legal barriers and prohibitions have been swept away—finally interred in 1946 with the Trade Disputes and Trade Union Act of 1927.

This growing strength of the Movement demands greater discipline, greater restraint and judgment, greater balance on the part of the whole membership of the Movement. It demands especially the confidence and trust of the rank and file in their leaders, and the loyal and active help of the former to the latter in the enormous and heavily responsible task they have to perform.

On this basis only can the complex and gigantic organisation of the Union stand and endure.

A strong ligament runs through the structure of the Unions which binds all its parts inseparably together—the democratic principle of representation. Every member is a vital link in this chain. From the humblest to those at the head, this catena holds firmly together. The representatives on every committee, the delegates to the Annual or Biennial Conference, the General Executive Council, the Areas, Districts, Branches, they all have to be consulted, they all have a share in the control of the Union. They are the ultimate authority that directly or

indirectly shapes policy and secures decision. There is no position in the Union which is barred to any member of it.

It has often been said that you cannot get more out of a bank than you put into it—not even a nationalised bank. It is the same with the membership of a Union. What has so far been got out of the Unions by their members in the way of rights in their work and a free disposition of their labour through association with fellow-workers, has depended on what they themselves put into the task.

In return the Union must provide the members with an efficient administrative machine. The activities and welfare of the Union and every one of its members are dependent on that. For instance, one of the Union's primary purposes is to deal with the problems of its members in a collective sense, such as in negotiating wage agreements, hours of labour and working conditions, and the advancement of their standard wherever necessary. Yet the individual member may have some problem or grievance by which the rest of the members are quite unaffected. He may claim some injustice has been done him. He may have been dismissed or victimised or his just claim may have been neglected. The Union's officer has a duty to such a man to understand his problem and if possible to help solve it, or have him satisfactorily compensated. Often it is the case where one or two men are said to be victimised that leads to stoppage and loss far beyond the extent of the injury complained about.

The result will often largely depend on the tact and competence of the Union officers. They have a highly responsible duty to discharge to the Union as a whole and to the members generally.

The General Secretary in particular must be a man of outstanding calibre uniting wide experience, wise statesmanship, a strong sense of duty and comradeship, and sound judgment. Very high qualities demanded by a very high office. Such were found in men like Ernest Bevin and Charles Dukes (later Lord Dukeston), and are possessed by not a few outstanding Trades Union leaders.

Opportunity to equip themselves for the duties they owe in whatever sphere of the Movement they work, from the smallest to the highest capacity, is now afforded to every member of the Union through the channels of Educational Schools and courses provided by the Unions and also by the T.U.C.¹

(b) Trade Union Finance

Money is the sinews of the Trade Union organism as it is of all great or small undertakings. It is not the end of Trade Union organisation but one of the indispensable means to ensure that the ends in view are effected. That was very marked in the case of the political activities of the Unions. If the money was not there for that purpose the purpose simply died of inanition. It was also demonstrated that the industrial influence and efficacy of the Movement declined with the recession of the political action of the Unions. The whole motive power behind the repeal of the Osborne Judgment was to reopen the coffers of the Movement to contributions for political activity. This important financial requisite was conceded in 1913 as a solution between all parties, and was crystallised in the Act of 1913. The mechanics of this side of the Unions' exchequer was also accepted. When these were

¹ See Chapter 11 p. 133.

attacked and abridged in 1927 the finances of the Unions were parlously weakened.

The financial structure of the Unions is built primarily on the contributions of its members. The well-to-doness or otherwise of their Union lies in the pockets of the Union members entirely. Much needs to be paid for, to be provided. There is insurance against unemployment, sickness, accident, strikes, victimisation, education, welfare and health, legal assistance—they all need money, and they are all inevitable elements in effective and unrestricted Trade Unionism. The range of these activities and services are not the same in every Union; in some it is less and in others more. The scale of contribution adapts itself accordingly.

There are, of course, in some Unions capital sums which have accumulated in the form of reserves, but these play no decisive part, where they exist, in Trade Union finance.

One of the great problems the Unions face is in calculating the wage claims likely to fall on their resources. Sickness benefit and superannuation, unemployment benefit, strikes, lock-outs are all difficult to assess before the event. Mr. G. D. H. Cole illustrates this difficulty in his book on *Organised Labour*. In 1913, he points out, all registered Trade Unions together spent half a million pounds on unemployed benefits. In 1919 they spent one million pounds, and in 1920 over a million and a half. In 1921 when the slump came down heavily this expenditure rose to nearly fifteen million pounds, which led to heavy levies on members and even to suspension of payments of benefits.

All of these sums did not come from the Union itself. A good deal came from the Ministry of Labour, about

seven millions, in the form of Unemployment allowances. Some five millions, however, were drawn from the Unions' reserve funds, and over two millions from their revenue.

The scheme of a Union's financial system is illustrated in the case of a very large complex organisation by the method which the Transport and General Workers' Union adopts. The main section of it is represented by the Central and Area Finance Department which is under the control of the Financial Secretary with a large staff and special department at Head Office. In turn Area finance administrators are responsible to the Financial Secretary's department for the financial arrangements and administration of the Area Finance Departments which exist to take charge of the Area and Branch income, expenditure, the payment of benefits, cost of services, funds investment and Union securities and properties.

The scale of contributions paid by members varies widely not only in various Unions but does so even in consolidated Unions. Before the war, for instance, in the Transport and General Workers' Union there existed a wide variety of scales. The most general scale was 6*d.* per week contribution plus 3*d.* quarterage, and 3*d.* quarterly political levy. The "quarterage" payment is kept in the areas, part being used for payment of affiliation fees to local Trades Councils, and part to the area benevolent funds and to Convalescent Homes.

These sums are (apart from quarterage) paid to the Branch Secretary or Collector, who pays them to the Area Office, which authorises the necessary administrative expenses of the branches and any payments to be made to members. The Area Office applies the balance partly to defray its own expenses, and the remainder is remitted

to the Head Office of the Union to meet national liabilities such as affiliation fees, joint industrial council's payments, grants and so forth.

Head Office is responsible for paying dispute and victimisation benefit, it being a national charge on the Union.

The balance, after all due payments by Head Office, goes into the reserve fund of the Union to be suitably invested and kept for future calls upon it.

It gives some idea of the extent of Trade Union finance and its steady development to take the figures of receipts, expenditure and membership. Taking the hundred principal Unions before the First World War in 1904, receipts were £2,129,423 or 35/3½ per member, and the expenditure equalled £2,055,528 or 34/0¾; whilst membership was 1,207,086. These sums showed variations, some upward, others downward, between that year and the year 1913. In 1913 the corresponding figures were: receipts £3,619,804 or 30/4½ per member; expenditure £2,927,095 or 24/6¾ per member, and membership 2,382,604. The funds held by these combined Unions at the end of 1904 amounted to £4,713,245 or 78/1 per member, and at the end of 1913, £5,741,100 or 48/2¼ per member.

Taking another set of figures from 1938 to 1946 (for registered Trade Unions only¹), in the former year receipts from 521 Unions were £9,774,934. According to the statistics available the average contribution per member was 36/-. The expenditure was £7,715,310 and amounted to 31/- per member. Membership was 4,920,837. The corresponding figures increased by 1944 to £12,814,925, £8,957,550 and 6,813,001 in respect of

¹ Approximately only about 80% of Trade Unions are registered.

520 Unions. For 1945 they were, £13,179,708, £9,718,206 and membership 6,601,664, in respect of 529 Unions.¹ The last available figures are for 1946 and relate to membership only. The affiliated membership of Congress at 31st December, 1946, was 7,540,397, and the total membership of *all* Trade Unions in the United Kingdom was 8,714,000.²

The repeal of the Act of 1927 will no doubt have a very favourable effect on the contributions to the political funds of the Unions, and there are already signs of this.

The political levy is usually a quarterly payment of threepence or thereabouts. A proportion is retained by the Areas for use for political purposes. The balance, normally the much larger proportion, goes to the Head Office, to be allocated to a central political fund under the control of the General Executive Council. From this fund is paid affiliation fees due from the Union to the Labour Party, expenses of delegates to Labour Party Conferences and to political organisations in the constituencies which are represented either by a Union M.P. or accredited with a prospective candidate sponsored by the Union. In such cases the amount of the allowance made by the Union is agreed and paid. In the event of an election or by-election, expenses, or a proportion of them, are also paid from the political fund.

It is said that by 1943 35 per cent of Trade Union members were affiliated to the Labour Party. That was a definite decline from 1937, when the figure was 51 per cent.

¹ The above figures have been approved by the Registry of Friendly Societies. They include a number of Employers' Unions but these are negligible. The figures cover something over 80 per cent of the total Trade Union membership.

² M.O.L. Gazette, 1947. Appendices dealing with Trade Union statistics generally appear in *British Trade Unions*, by Dr. N. Barou, Ph.D.

The decline was due partly to the war and partly to the continuing effects of the Act of 1927. Those who went on paying their political lot and scot took advantages for which they had paid. The fact also was that those who ceased or refused to pay equally shared those advantages. It is known that the change in the law has resulted in a pronounced increase in the percentage of Trade Unionist affiliations to the Labour Party although its precise scale to date has not yet been given.

The aspect of Trade Union finance must inevitably undergo marked changes in the future. The National Insurance Acts will transfer the Benefit and Friendly Societies' work of the Unions to the State. To this the Unions gave their wholehearted support in the interest of securing a sound and cohesive State Insurance Service. This source of their receipts will, therefore, end; but so will the administrative work it involved.

On the other hand it is patent that the work and responsibilities of the Unions will increase under conditions of nationalisation, and this will, no doubt, bring in new financial aspects in the Unions' administration.

CHAPTER EIGHT

THE ROLE OF THE TRADES COUNCILS

THE POSITION of the Trades Council is a curious one. It is difficult to define its status or explain its function in relation to the Trades Union organisation. It has no organic nexus with the T.U.C. or with any Union, yet it is employed by the T.U.C. and co-ordinates the united deliberations of the local Union organisations. At present it seems to be a sort of local agent for the T.U.C.

The Trades Council is no "fly in amber". It was an active element in Trade Unionism before the T.U.C. existed. Nor is it to-day without honour and influence in the Trade Union Movement. It can claim to be the fountain from which Congress itself sprung. Its earlier unifying character was the prototype of the T.U.C., now the H.Q. of the whole British Trade Union Movement. Yet in 1895 Trades Councils were excluded by resolution from the T.U.C.

The original role of the Councils was to unite locally all those who worked in the various industries and crafts of the country, and who were members of the Trade Unions, Lodges, Societies, or Clubs which under one title or the other comprised the industrial organisation of those early days when combination was forbidden or, being ostensibly allowed by law, was openly attacked by every device its opponents could find to harass or hamstring it. It was the sole link that bound the several

Unions and organisations of the workers when respectively they regarded each other with studied aloofness and undisguised caution.

This extraordinary situation was strikingly exemplified in the famous case of the "Junta" or "Clique", as it was called, which consisted of men who were all prominent leaders of the Trades Council in London and between whom, and the other Trade Union leaders, there was open antagonism. The London Council was formed, in 1860, and wielded considerable influence for over a decade.

The advent of Trades Councils seems to have occurred sometime about the year 1846, but they do not appear to have taken definite shape as an organisation until 1860. The chequered history of the Trade Union Movement from that time until the closing years of the nineteenth century created a situation in which the Trades Councils were gradually crushed between the upper stone of the political and the nether stone of the industrial working-class movements.

There were those in the Unions who thought political action to be the *sine qua non* of industrial emancipation, whilst others put their undivided faith in industrial organisation alone. In this jangle of policy and action the role of the Trades Councils to co-ordinate unity of action was manifestly stultified. Its decline as an instrument of industrial cohesion and action was inevitable under such circumstances.

In the midst of this division a conference was held in 1864¹ to consolidate all sections of labour. It failed, but a series of subsequent conferences finally culminated in the emergence of the T.U.C. as the representative Council of the whole working-class industrial movement. From that moment the Trades Councils were completely

¹ See Chapter 5, p. 40.

dispossessed in their principal role and functions. The T.U.C., however, itself developed the same weaknesses which had become associated with the Trades Councils. Internecine strife between the Unions continued to divide their counsels and weaken their power of action. The influence of the Trade Unions and their leaders suffered in consequence, and the centre of gravity changed from the industrial to the political sphere.

The Taff Vale decision aroused the Unions to the fact they would not unitedly face earlier, namely, that only by collective action exerted on the political platform and in the House of Commons could the interests of the Unions be served and the rights of their members protected.

That brought the T.U.C. and the whole movement four square behind political action and organisation. From that moment the T.U.C. became a powerful factor. The turn of events weakened rather than strengthened the position of the Trades Councils in the fabric of industrial organisation.

Previously an attempt had been made by the Labour Electoral Committee, which had been appointed by Congress in 1885, to act in conjunction with the "Parliamentary Committee"¹ of the T.U.C. The L.E.C. appears to have endeavoured to set up local machinery. The object was to get the Unions hitched to some local agency through which Trade Unionists would join forces in collective political action.

The experiment was not a success and eventually, in 1899, it was followed by the establishment of the Labour Representative Committee through a resolution passed by Congress in that year. That provided a composite organisation through which the Trade Unions in association with Co-operative and Socialist bodies could devise

¹ See Chapter 5, p. 43.

means "to secure the return of an increased number of Labour members to the next Parliament".

In the meantime, in 1895, the Trades Councils had been excluded from the T.U.C. on the ground that the Trades Councils' members were represented as workers through the Trade Unions, and admission of representatives of the Trades Councils as delegates to Congress would, therefore, create "dual representation". Trades Councils' representatives were, accordingly, excluded.

Nevertheless, when in 1899 the L.R.C. was created the Trades Councils were once more recruited for their traditional role as "local agent". The L.R.C. had no local machinery and to provide that it appointed the Trades Councils to undertake on its behalf the work of local organisation, in some cases joining forces with the Independent Labour Party.

In 1903 the T.U.C. officially separated from the L.R.C. Having been created by Congress in 1899, it now became an entirely separate entity.

This body was rapidly welded into a powerful federation of local organisations, and by 1906 became the official "Labour Party".

Notwithstanding the varied ups and downs of the Trades Councils, circumstances have ultimately tended to increase their number and influence in the local sphere of the Trade Union Movement. They have undoubtedly been very active in recent years in linking-up the local branches of the combined Trade Union organisations in the various districts. The effect is mainly to canalise the general views of the Unions and workers through this channel. In this way a local consensus of industrial criticism and opinion is obtained, and divergence in local action avoided. The Council does not decide actual policy

nor bind the action of the Unions individually or collectively. In spite of these reservations the effect of this local collaboration makes greatly for local harmony and prevents divergence of policy in relation to local working conditions and problems.

Records relating to the number and activities of the Trades Councils are not available. It appears that in 1924 there were some 476 Councils having a total membership of 2,200,000 members or thereabouts. Since then neither the T.U.C. nor the Ministry of Labour seem to have collected any statistical data referable to the Councils. It has been estimated that in 1938 there were round about 500 Councils. It seems pretty clear that there has been a growth in their number during the war, and post-war industrial problems and the local trade situation have certainly added to their use and activities.

The T.U.C. gives to the Councils facilities and services which certainly recognise that they have a special part to play in Congress administration notwithstanding their exclusion from representation at Congress itself. The right of direct approach to the T.U.C. is given to the Trades Councils, although it is not available to Trade Union branches, district committees, divisional councils or other sections of the Trade Union Movement.

The Councils also have contact at Congress through a *fraternal* delegate appointed by the Trades Councils Joint Consultative Committee. The latter exists under the auspices of the T.U.C. composed of six representatives from the T.U.C. and six from the Trades Councils. The Trades Councils' representatives are elected each year at the Conference of Trades Councils.

The General Council of the T.U.C. provides a Trades Councils Secretaries Summer School. There is also a

“Trades Councils” department of the T.U.C. Moreover, assistance is given by the T.U.C. in the way of propaganda, literature, week-end and day schools, and similar services.

There is a “Federation of Trades Councils” through which the T.U.C. organise conferences, the cost of which are borne by the General Council.

The position of the Councils as the local agents of the T.U.C. was clarified by a scheme in 1924 under which the Trade Councils were to act as Labour Correspondents for the General Council and forward regular reports of labour proceedings and movements in each locality. This re-defining the functions of the Councils was probably regarded as their absorption or supersession by the T.U.C. and may have led to the cessation of the interest previously taken in their statistical position. The Councils have, in fact, not been merged into the T.U.C., but their local machinery is used in the way indicated by the 1924 scheme.

The point is sometimes made that Trades Councils have to agree to and actively support policy in the making of which they have not participated or been consulted. In a narrow sense that may be strictly correct, but fundamentally it is a misconception of the structure and function of Trade Union action and the relation of the Councils to it. As matters stand, Trades Councils are merely links of co-ordination of local Trade Union action, and the channel for correspondence and report of local labour proceedings and movements. Those who decide the policy of the Trade Union Movement are the affiliated Unions,¹ and in Congress they declare the principles and objects for which the Trade Union Movement stands. It could hardly be reasonably claimed that there should be two policy-making bodies for what is in effect one Movement,

¹ To which the members of the Trades Council belong.

or that some authority other than the General Council should have the final responsibility to the T.U.C. and the Movement.

No clear statistics are available as to the proceedings of Trade Councils, or how many Union branches are affiliated to them, or as to the extent of the affiliation fees paid to the Councils. The whole position of the Councils is, indeed, still so fluid that the T.U.C. has made recommendations to overcome palpable anomalies and secure greater uniformity and efficiency in Trades Councils' practice and the scope of their functions.

Trades Councils and their Federations hold an Annual Conference at which Reports and Resolutions are submitted and then remitted to the General Council for consideration.

The General Council is naturally alert to see that the Trades Councils do not exceed the functions to which they are strictly confined. The prohibition of the Councils from interference in Parliamentary or Municipal elections, or from associating with proscribed organisations, is insisted upon. The Councils cannot intervene in industrial disputes without the consent of the national executive of the affiliated Union concerned in the dispute. The Councils have also been reminded by the T.U.C. that unofficial disputes have led to the creation of "breakaway" Unions which do considerable harm by weakening the reliance on established Trade Union machinery and practice.

A fair view of the overall role the Trades Councils play in the industrial sphere is that they can claim a useful and energetic part in the activities and results of local Trade Union co-operation. As the aims of uniformity, greater scope, and efficiency of the Councils are attained, the results will undoubtedly be correspondingly advantageous to all concerned.

CHAPTER NINE

INTERNATIONAL LINKS

INTERNATIONAL affairs have in recent times received much more attention from the Trade Unions and the T.U.C. than they did formerly. There were, naturally, since the earliest days of collective activity on the part of the workpeople, contacts between the Movements here and particularly those on the Continent, but they were vague and negligible.

The advent of the World Federation of Trade Unions has probably put the international relationships between the free and active industrial organisations all over the world on a firmer and clearer basis than they have ever been before.

The British Unions did not previously have any really effective organisational association with their opposite numbers abroad. There was the International Working Men's Association, known as the "First International", but it made little impact on the Trade Union Movement in this country. It is of historical interest to note that the Conference which was held to promote the formation of the I.W.M.A. took place in London in 1863. One of the delegates was Karl Marx.

The course of the I.W.M.A. did not run smoothly. Fundamental differences soon arose as to both policy and method, and this was plainly and constantly discernible in the reaction to its proceedings of those who represented the British delegation.

Just at the time the I.W.M.A. came into existence there was a new sense of urgency discernible in the attitude of the working-class here. In those mid-Victorian days when the world was stirred by the American Civil War and the Insurrection of Poland, the apathy of the working-class following on the failure of Chartism was suddenly transformed into a new spirit of activity.

The association of workers' representatives on the international level, nevertheless, did not achieve its object of co-operation. A number of annual congresses were held here and abroad, but by 1872 the I.W.M.A. was virtually ended at the Hague Conference of that year.

The I.W.M.A. was revived in 1889 and was known as the "Second International", but that, like the International Federation of Trade Unions, which followed later, had little impact on the course of Trade Union history here, nor did the British Trade Union Movement have any real influence on events abroad. Even in 1914, when the First World War threatened, the power of these international industrial bodies proved weak and useless to influence labour action or to affect the inexorable will to war.

The 1914-18 war did not produce any strong link of active co-operation between the British Trade Unions as a whole and the Movement overseas and on the Continent.

A stronger link was forged between various individual Unions here and certain international federations of workers abroad, as, for example, in the case of the miners, transport workers and textile workers. Even that was more in the nature of association than action, and no notable concerted movement in the sphere of industrial legislation or otherwise was even attempted.

The I.F.T.U. was in substance a sort of collecting and

clearing base for data and reference. It did not pretend to co-ordinate or consolidate any common industrial policy or action. Its members forgathered in conference and they discussed issues of common interest, but it had no concrete consequences.

The only time that the British Trade Unions got anywhere near to active participation in international politics was when the International Socialist Bureau, founded in 1900, met in occasional congress; but even that, in the main, was negligible.

The I.F.T.U. which had shown little power or action eventually expired with the end of World War I. The spirit of the Movement, however, was not allowed to die and a new effort was made to re-start afresh the organisation of an international federation. Its progress may be judged from the fact that by 1922 its affiliated membership was something like 18½ million. It never, however, got much beyond the status of a debating society and made no real effort to exercise a common authority over its members in international action or issues. It was, nevertheless, not without achievement and credit. It organised relief work on the Continent and in Russia to alleviate the widespread terrible distress brought about by famine. It notably helped to promote and finance working-class education, and exerted its full weight in the interests of world peace.

The British Trade Union Movement has since the advent of the League of Nations been in active association with the International Labour Organisation and the Conferences associated with its work. These Conferences and the I.L.O. cover the wide field of world labour and economic and social conditions and conventions. Recent Conferences have been importantly concerned with the

integration of the I.L.O. into the work of the United Nations Organisation. The I.L.O., since its separation from the League of Nations, has the status of a specialised agency within the framework of the U.N.O. British Trade Union representatives serve on the Industrial Committee, appointed by the I.L.O. dealing with questions affecting individual industries.

The co-operation of international Trade Unionism has received a great move forward through the creation of the World Federation of Trade Unions. The latter has already celebrated its second anniversary.

The initiative in the creation of the W.F.T.U. came from the T.U.C. At the Southport Congress in 1943 the delegates passed a resolution declaring that British Trade Unionists called for a World Conference of representatives of the organised workers of all countries as soon as conditions permitted. Its object was "to promote the widest possible unity in aim and action of the International Trade Union Movement".

This Conference was not long in materialising. It was held in the County Hall, in London, in February, 1945. It received an historic message from the then British Prime Minister, the Rt. Hon. Winston Churchill, M.P., who sent greetings to the delegates on behalf of the Government in which he said: "The Trade Unions of this country have made an outstanding contribution to the war effort of this country, and I take this opportunity to pay testimony to their steadfastness and help in the past five hard years. Co-operation will be no less important in the years which lie before us. I feel sure that the same high principles inspire and will inspire the work of the Trade Unions in all the countries represented at this Conference."

The present Premier, The Rt. Hon. Clément Attlee, M.P., who was then Deputy Prime Minister, gave an inspiring address of welcome to the delegates.

The Conference issued an important manifesto. In it was announced its aims and policy. It was the unanimous voice of 204 delegates drawn from forty-six countries.

The idea of reconstructing the International Trade Union Movement had been canvassed and contemplated prior to 1943, when the Southport Conference was held, the objective being a Federation of world-wide character and the broadening of the basis of the I.F.T.U. constitution. The plan received the full approval of the Conference. An administrative Committee was appointed and given the task of preparing a draft constitution. The latter was finally completed at a full meeting of the Administrative Committee held in Washington, D.C., and later in California between the 13th April and 5th May, 1945. The final ceremony of official formation took place in Paris in the following October. That new Federation represented over 66½ million organised workers in 56 countries. It now comprises 71 organisations with 70 million organised workers.¹ Even in its earliest days W.F.T.U. was already dealing with a tremendous amount of work engendered by the devastation of life and work on the Continent.

One of the immediate results was that the General Council of the I.F.T.U. decided to end the latter's activities. That body was accordingly dissolved on the 31st December, 1945.

The Paris meetings in October 1945 accepted the Draft Constitutions of the W.F.T.U. substantially in the form in which it had been submitted earlier to the T.U.C.

¹ T.U.C. General Council's Report, 1947, p. 96.

It had, however, an important annex embodying certain proposals of the Blackpool T.U.C. dealing with problems of organisation and administration during the transitional period of the new World Federation.

Lord Citrine (then Sir Walter) became the first President of the Federation and its General Council, and Monsieur Louis Saillant of France was appointed General Secretary.¹

The W.F.T.U. is the recognised international organ which unites and can speak with authority for all the Trade Unions of free countries on the basis of equality, regardless of race, creed or political faith, excluding none and relegating none to a secondary place. It is, as Lord Dukeston said in his speech as Chairman of the Brighton Congress of the T.U.C. in 1946, "... the pledge of international Trade Union unity". The executive of the Federation is called "the executive Bureau" to whom very important decisions fall. Among these already have been the sending of Commissions of Inquiry to Iran and Japan, the visit of the W.F.T.U. to the four zones of occupation of Germany, and a mission to Greece.

The work of the W.F.T.U. is, of course, not confined to Europe. It has recently, for instance, held a conference at Dakar and collected very valuable material on working conditions and social legislation in Africa.²

A very valuable and interesting feature of the work of W.F.T.U. is "Trade Departments". These are promoted and worked in co-operation with the International Trade Secretariats. The integration of the

¹ Lord Citrine later resigned (June, 1946) on his appointment as a member of the National Coal Board. Mr. Arthur Deakin, General Secretary of the T. & G.W.U., succeeded to the Presidency.

² A conference of the African Continent is in fact to be called to consider the results of W.F.T.U.'s work in this region, and to make appropriate recommendations.

latter into W.F.T.U. is a *sine qua non* to the effective functioning of the World Federation as the spokesman of the International Trade Union Movement as a whole. This aim is being implemented by the steps already taken by Unions in many parts of the world who are coming to Britain in 1948 for an international conference to launch the Mineworkers' Trade Department of the W.F.T.U.

The "Trade Departments", as they become integrated into the structure of the W.F.T.U., will replace the existing trade international organisations. The mine-workers are the first to formulate definite plans to bring this about within their own territory. The Miners' International Federation will accordingly be dissolved and the Trade Department take its place.

The system of representation on the W.F.T.U. and of voting by its delegates, as also of the scale of affiliation fees, is for the membership of the Trade Unions in each constituent country to decide. Special provision is made to ensure that smaller countries are adequately represented.

The T.U.C. is closely identified with the work of U.N.O. on behalf of British Trade Unions, and has two representatives who act in an advisory capacity with the British Delegation to U.N.O. Similar representation was given to the T.U.C. on the U.K. delegation to the Peace Conference. In this instance Congress formulated a draft charter of provisions which it proposed should be incorporated in the Peace Treaties.

These outstanding activities of British Trade Unionism manifests its urgent sense of responsibility and objective in world affairs. That was expressed by Monsieur Saillant in the message he issued as General Secretary of the W.F.T.U. on the 8th October, 1947, the second anniversary of W.F.T.U. "Peace in the world," his

message ran, " . . . the annihilation of all the remnants of Fascism, and the extension of democratic rights for the people, are closely linked with improvements of the welfare and the raising of the living standard of workers throughout the world."

British Trade Unionism is also lined-up with the education plans of U.N.E.S.C.O. The T.U.C. is represented on the National co-operating body for education which advises the British Minister of Education, on U.N.E.S.C.O. affairs.

The powerful and influential intervention of the British Trade Union Movement in the sphere of world re-organisation, recovery and stability, is as signal a mark of recognition of its international authority as the success of its opportunity will be to its genius and humanity.

PART THREE

THE FUNCTIONS OF BRITISH
TRADE UNIONS

CHAPTER TEN

NEGOTIATION—A SUPREME TASK

THE AMBIT of Trade Union activity in its local and national aspects is as wide as its own rules permit. Some phase of its operation is to be found in almost every sphere of our social, economic and political life. The Trade Union has become one of the main pillars of the industrial structure of the country, and its leaders the authoritative voice of organised labour in the trade or industry it represents.

The first essential of a Union, to secure the effective performance of its many functions, is to *organise*: to organise intelligently and intensively every worker in the trade or industry which it covers, and also to secure the co-operation with it of all other Unions in collective action where their joint interests can be served.

Having thus made the organisation efficient, the supreme task of the leaders of a Union is to secure the interests of its members in terms of wages, conditions, and hours of work. This is primarily done through machinery of negotiation, collective bargaining or arbitration. The weapon of the strike must be a last resort. Its use is in an acute sense an admission of failure of the orthodox function of the Unions.

This function of hammering-out disputes instead of fighting them out gives the Trade Unions a very strong

position in our industrial system. Without this means of collective representation, the task of negotiation would not be practicable, and any stability in industrial relations unobtainable. The task of conciliation needs in the representatives of both sides of industry that rare capacity, "the knowledge of the things to be sought, and of the things to be avoided". It is a virtue every negotiator should try to acquire—but your top-flight negotiator is born, not made!

In dealing with the question of wages and conditions of work, and generally settling or adjusting the relations between workers and employers (which often include local authorities as well as Government Departments), considerable expert and scientific knowledge, and experience of the trade or industry involved, is essential. All kinds of considerations enter into the matter, industrial and commercial: costs of production, selling prices, profits, number of workers employed, and a general view of the industry concerned. Nowadays, the complexities increase with questions such as balance of payments, disequilibrium of imports and exports, the conditions of world markets, and the working of tariffs and quotas.

The important bearing of these matters on Trade Union negotiations has made it essential for the Union and the T.U.C. to provide the necessary facilities for enabling their representatives to equip themselves efficiently for their task.

The development of negotiation or, as it is often called, conciliation, has been slow and chequered.

Formerly, wage-fixing was the duty of Justices of the Peace. To-day that method seems strange, but in the sixteenth century it was otherwise. In fact, Tudor England found the local magistrate a necessary means of

negotiating the wages and conditions of the workers' employment. When, in the eighteenth century, this jurisdiction ceased, it was much against the wishes of the workers. It was actually that event which led to the creation of "combinations" or collective bargaining by workers—combinations which, as we have already seen, were held to be illegal.

In 1868, the question of public relations had been examined by a Royal Commission. It recommended two methods of securing peace in industry: one—profit-sharing between employers and workers; and the other, machinery of conciliation and arbitration. The latter method was not a new one. Boards of Conciliation had functioned for some years, and were then doing so in the Glove and Building Trades. In those two, where the Trade Union involved asserted the right to back its demands by means of collective bargaining, the employers' and workers' Union representatives joined together to examine the claim and find a mutual solution.

It was purely voluntary procedure, but it worked for years. It got to the coalfields in the '60s, by the wise and repeated efforts of Thomas Burt, once a Northumberland miner, and later to represent Morpeth in the House of Commons. In the north of England it spread to the Iron and Steel Trade.

In 1870 the famous Durham Miners' Association was founded, followed two years later by its opposite number, the Miners' and Coalowners' Association. They met regularly to negotiate wages and conditions in the coalfields concerned.

In 1887 the statutory appointment of checkweighmen for collieries gave a stimulus to free and collective negotiation.

The eight-hour day and wage increase secured by the Gas Workers' and General Labourers' Union in 1889 was another important gain for free collective bargaining.

1889 was, in this respect, a vintage year. The great London dock strike which occurred in that year produced another victory for collective bargaining, the employers granting substantially the whole of the demands made by the men's Union, then the "Tea Coopers and General Labourers' Association."¹

Another notable achievement in this field was the celebrated "Brooklands Agreement". That ended the great cotton spinners' dispute in 1893, settling the question of wages and making "elaborate arrangements for future adjustments of wages and other differences by mutual discussion without cessation of work." Prior to 1895 the joint machinery for negotiation between the miners and the mineowners had failed, and a bitter strike ensued. As a result, in 1895, both sides agreed to set up a Joint Wages Board. This worked until the advent of the famous Whitley Councils in 1919.

Railway and shipping interests responded much more slowly to the process of collective bargaining. It was not until nearly 1914 that the former, and 1921 the latter, introduced conciliation boards.

A signal step forward came in 1917. The Whitley Committee which had been set up in that year had strongly recommended Joint Industrial Councils, composed of workers' and employers' representatives, to secure consultation between them to hammer out terms of settlement in any of their trade disputes. The Committee took the enlightened view that the relationship of workers and employers cannot stand solely on a "cash-basis", and

¹ Since merged in the T. & G.W.U.

that it was essential workpeople should have "a greater opportunity of participating in the discussion about, and adjustment of, those parts of industry by which they are most affected".

This thesis was put into practice under the Industrial Courts Act, 1919. Therefrom emerged the Joint Industrial Councils (familiarly known as Whitley Councils),¹ to which persons of special knowledge could be co-opted, for consultative purposes only, in addition to equal representation of workers and employers.

Both sides of industry share the expenses of the Councils whose chairman is nominated by each in alternate years.

The *raison d'être* of the Councils is to turn the great practical experience of the workers to good account, in dealing with the conditions and development of industry, by giving them a larger voice in matters of working conditions, wage-fixing, settling disputes, and promoting good relations between employers and employed.

Industrial prosperity is also helped by this machinery, giving to workpeople a greater share in that prosperity; and by promoting technical education, and research, and encouraging invention and improvement by the worker himself. Greater interest was also created in industrial legislation by means of the Councils.

The scope of action given to these bodies is wide and flexible. Adult and juvenile rates of pay, overtime payments, hours of shift work for day and night, the zoning of areas, grading of labour, sickness and accident schemes, technical education, safety measures and innumerable other questions arising in industry all come within the range of the Whitley Council. It also collects statistics

¹ Named after a former Speaker of the House of Commons, Rt. Hon. J. A. Whitley, who was Chairman of the Committee.

and data on safety, health and kindred matters. The Factories Act of 1937 owes many of its valuable and special regulations for safety and equipment to the detailed work and forethought of the Councils.

Whilst the procedure of putting the Council into action is quite voluntary, it nevertheless exerts considerable influence and activity in the field of conciliation. If this machinery fails to secure a settlement the disputed issue can be remitted to the Industrial Court for arbitration, or to a tribunal consisting of two members of the Council from each side with an independent chairman (nominated by the Minister of Labour), who, in case of disagreement, delivers his own final decision.

Another side of the Whitley scheme is the "Works Committee". This deals with the well-being of the workers in matters like sanitation, ventilation, nutrition, recreation, and official orders and notices applying to the workshops.

The Trade Union officials attend these Committees *ex officio* but do not vote: that right is confined to the direct representatives of workers and management. A further valuable function of the Committee is to try and settle disputes which arise in the workshop, where the efforts of the shop steward have failed. The idea is, if possible, to keep the quarrel inside the "family circle". It meets with much-merited success.

Voluntary conciliation and bargaining does not extend to all industries, nor, where it exists, does it always succeed. In such a case the legislature has, sooner or later, found it necessary, in the national interest, to intervene by statute. The first instance was the Trade Boards Act, 1909, extended in 1918, and now repealed and replaced by the Wages Councils Act, 1945, under

which all Trade Boards became "Wage Councils". Another example is the Corn Production Act, 1917, extended in 1920. That created a Wages Board for fixing minimum rates for workmen employed in agriculture for time and piece work. This was repealed in 1921 and replaced by voluntary local joint conciliatory committees of employers and workers in the industry. The Agricultural Wages Board was, however, reconstituted in 1924, and later amplified in 1940 and 1944 by amending acts.

Under the latter it is the duty of the Board to fix the national minimum wage of workers, but a lower minimum for a county or part of it may be fixed on representation by the County Committee, if justified by the special conditions in that area. Provision is also made for holiday pay.

An important principle is conceded by these Acts, namely, that the rates must be such as to secure to a whole-time worker not less than the national minimum wage, and failing that, the Wages Board may by order "fix, cancel or vary the rate as the case requires". Further, higher or lower rates of pay may be fixed for special classes of workers. The Act also prohibits any agreement between the employer and worker under which the worker is to pay for some "benefit" provided by the employer, such as board and lodging, a sum greater than the "value" fixed by the Wages Committee for such "benefit". Moreover, the worker must actually receive the "benefit".

In the case of the Transport industry the Road Traffic Acts, 1930 to 1936 and the Road Haulage Wages Act, 1938, provide a special code for settling "fair wages and conditions". The 1938 Act creates a Central Wages

Board on which Union and employers' representatives sit. Proposals are made by the Board to the Minister as to wages, etc. In some cases where the Union makes a complaint as to wage rates and the matter is not amicably settled, it must be referred to the Industrial Court.

The Transport Act of 1947, which nationalises the industry, requires the "Transport Commission" to consult with the Unions so as to establish and maintain machinery for settling by negotiation the terms and conditions of employment, or for arbitration where agreement fails; also to agree measures to ensure the safety, health and welfare of employees and matters of mutual interest, as well as the efficient operation of the transport services. Any machinery which existed before the Act which is adequate to achieve these aims is left intact.

This precedent is important as a rule of procedure in the field of State ownership.

There is also a Civil Service Arbitration Tribunal which deals with cases referred to by the Minister of Labour in conjunction with the Treasury and staff side of the National Whitley Council for the administrative and legal departments of the Civil Service. This deals with questions of emoluments, hours of work, and so on.

A Railway Staff National Tribunal also exists. This was established in 1935 and is composed of three members; one selected by the Companies, one by the Trade Unions and the third, a chairman, nominated by the two latter, or, failing agreement, by the Minister of Labour. The Tribunal decides issues as to standard salaries, wages, hours, and other standard conditions of service which have been settled by the Railway Staff National Council.

Important machinery is now provided by the Wages Councils Act of 1945. That gives the Minister of Labour

wide powers, with the aid of Commissions of Inquiry, to set up Wages Councils for regulating wages, holidays and conditions of work where no adequate machinery exists for regulating these.

Under the Act employers' and workers' Unions may jointly apply to the Minister to set up a Wages Council where the existing machinery is inadequate or likely to cease. The Minister may, himself, without such application, refer such an issue to a "commission of inquiry" appointed by him, and may make an order giving effect to its recommendation.

The Councils consist of persons appointed by the Minister from the Unions and employers, in equal numbers, *plus* independent nominees, two of whom occupy respectively the offices of chairman and vice-chairman.

The Act is an important landmark in the progress of collective wage-fixing, which materially affects Trade Unions and their officers, as well as the workers in each of the industries within its purview.

Under the old arrangement of Trade Boards a watchful eye was kept by the T.U.C. on this machinery through its Trade Boards Advisory Council. No doubt this Council will continue in very much the same way with a slight re-christening.

This statutory machinery is not intended to interfere with voluntary forms of negotiation, which still prevail over a large part of industry. Only where that fails is the Minister enabled to set up a Wages Council if an independent commission of inquiry recommends that step. Hence, the joint effort of both sides to settle their differences voluntarily is in no way weakened nor its desirability lessened.

To promote voluntary settlement in industry, the "Industrial Court" was created by statute in 1919, largely replacing the provisions of the Conciliation Act of 1896, which in those days came within the province of the Board of Trade.

The Act of 1919 enabled the Minister of Labour, with or without the consent of the parties, to set its machinery going.

The decision or award of the Court is, in fact, not binding on either party, and the Arbitration Act of 1889 does not apply to a reference to the tribunal. Nevertheless, these decisions have proved to be of real help and value in clearing the issues, and assessing impartially the rights between the parties.

The procedure of the Court works in this way. If both parties consent, the actual or apprehended dispute goes direct to the Industrial Court. If not, the Minister may set up a Court of Inquiry to investigate the differences and report to him.

The Minister appoints the members of the Court, who must represent workers and employers; but independent persons are also appointed, one of whom must be a woman. From the independent nominees the President of the Court and Chairman of its Divisions are selected. The President directs who is to constitute the particular Court to deal with the particular dispute. Where the Court disagrees the Chairman acts as an umpire and decides the issue.

The Court cannot make any award which is contrary to the provisions of any Act as regards wages, hours or other terms of employment.

Courts of Inquiry set up by the Minister under the Act have their report (majority and minority) laid before

both Houses of Parliament. Such reports are precluded from giving any information elicited otherwise than by evidence at the inquiry, unless consent to include it is given by the Trade Union, persons, firm and company concerned. Nor is a member of the Court, without such consent, to disclose the debarred information.

The object of the Inquiry is to find out the facts *impartially*, to help the parties to a settlement, and the public to an understanding of the matters at issue.

The consensus of industrial opinion strongly favours these Courts. Their impartiality and authority is generally acknowledged. The decisions which these Courts have given have in practice acted as a code of industrial principles and "case law", and this has undoubtedly given invaluable precedents for use in industrial problems and resulted, in no small degree, in stabilising the relationship between employers and workers.

The voluntary nature of the forms of arbitration usually found in our industrial system had, naturally, to be modified in the last war. The immensity of the conflict and the gravity of the issues made trade stoppages, or even trade disputes, unthinkable. By common consent an Order was made, in 1940 (called the Conditions of Employment and National Arbitration Order), by the Minister of Labour (The Rt. Hon. Ernest Bevin, M.P.), under Regulation 55AA of the Defence (General) Regulations, 1939, subsequently amended several times, to deal with such questions.

As to the ultimate termination of this Order, there is a provision in Section 19 of the Wages Councils Act, 1945, which says that when Part III of the Order, as amended, ceases to have effect, the provisions of the 3rd schedule to the Act of 1945, relating to the terms and

conditions of employment and to the obligation to observe them shall have effect from that date until 1950, and no longer, unless Parliament otherwise determines. These provisions, however, do not apply to any worker whose wage is fixed under the machinery governing agriculture, road haulage, catering or the Education Act, 1944, or Part II of the Wages Councils Act, or under any Defence Regulation.

This Order was widely, wisely and satisfactorily used during the war, and its success is a striking tribute to the Trade Unions, employers and the workers.

The 1940 Order made lock-outs and strikes illegal, unless first reported to the Minister and twenty-one days had elapsed since the report without the issue being referred by the Minister to the National Arbitration Tribunal, set up either under the Order, or in accordance with outstanding collective agreements.

The tribunal's award, when made, became binding, and was made a term of the contract between the employers and workers concerned.

Union and trade practices were safeguarded so that any of them which were departed from would be restored after the end of the war.

The Minister was enabled to make a similar order (by Order of Council), to cover undertakings carried on by or for the Crown.

The Order required all employers to observe "recognised terms and conditions" not less favourable than those laid down in voluntary agreements or by joint bodies of employers and Trade Unions representing substantial proportions of employers and workers in the trade or industry in the district concerned.¹ From the inception

¹ Various legal points as to the Minister's powers have been before the Court. Also there have been a large number of prosecutions under the Order.

of the National Arbitration Tribunal until the end of 1946, 1,060 disputes were referred to it. Matters dealt with by the Tribunal covered a wide and varied field. About one half of the awards issued by the end of 1946 related to claims for improved base rates of wages, bonus additions or other working conditions directly affecting earnings.¹

The procedure under the National Arbitration Order being still in force where the voluntary methods of securing a settlement on a trade dispute fails, will, on being reported to the Ministry of Labour, be referred to the National Arbitration Tribunal, unless either party can satisfy the Minister that it is not the proper course to take.²

Although the National Arbitration Order of 1940 and other statutory provisions now apply, they do not displace the voluntary machinery existing in the past, and the new compulsory provisions were only intended for use if voluntary methods failed.

The Conciliation Act, 1896, and the Industrial Courts Act, 1919, which provide the main statutory authority under which the Ministry of Labour and National Service exercises its functions of conciliation, reference of disputes to voluntary arbitration and inquiry into trade disputes, continued in operation. The rapidly changing industrial and economic factors of the war period resulted in a large increase in the volume of work under these Acts. The channel of negotiation varies. It may, for instance, be between a Union and an individual employer, but the trend, nowadays, is towards negotiation between Unions and Employers' Associations. This is often through the

¹ See M.O.L. Report, 1939-46, p. 284.

² The procedure is similar to that in an Arbitration before the Industrial Court. Parties may be represented by solicitor and counsel, on an application being made to, and granted by, the Tribunal.

use of Joint Conciliation Boards, Joint Industrial Councils, Agricultural Wage Committees, or Boards like the Hours and Wages Boards in the Co-operative Movement, or Trade Boards (now "Wages Council" under the Wages Council Act of 1945).

Sometimes there is joint action by several Unions *vis-à-vis* one or more employer or associations of employers.

Negotiation through conciliatory machinery has become increasingly the method of settling trade disputes. That is to everyone's advantage. The parties meet under an independent chairman trusted by both sides, and problems and differences are argued out. Reciprocal goodwill goes a long way to help achieve a settlement.

Altogether fifty-six Joint Industrial Councils or other similar bodies were established or revived during the years 1939 to 1946, making a total of 111 in existence at the end of 1946.¹

In some cases to secure the settlement, both voluntary and statutory machinery is used. An example was the 1946 Dockers' Dispute. There the Minister of Labour set up the "Hetherington Committee" to consider and report on the question of the wage to be paid to British dockers. On that report being duly made, negotiations took place between the T. & G.W.U. and the employers. This actually resulted in terms more attractive to the workers than those in the report. The event was historic because the agreement became part of the permanent decasualisation scheme which gives the dockers security as well as a guaranteed wage, and happily marked the end of "casual employment" in dockland after a fifty years' bitter fight.

¹ M.O.L. Report, 1939-46.

According to the Ministry of Labour's records, at the end of 1946 some $15\frac{1}{2}$ million workers out of approximately $17\frac{1}{2}$ million workers in industry and services were covered either by joint voluntary negotiating machinery established by agreement between employers' and workers' organisations, or by statutory machinery.¹

In the coalmining industry a new scheme for the settlement of wages and conditions of employment was established, on the recommendations of a Board of Investigation presided over by Lord Greene, Master of the Rolls, appointed in June, 1942. The scheme received the unanimous approval of the Mining Association and the Mineworkers' Federation. It creates a National Reference Tribunal for settling all questions of a national character. It leaves purely district questions to be dealt with by district conciliation machinery, while providing for the transfer to the national machinery of any district question whose importance makes the transfer desirable. The scheme does not provide procedure for settling questions at individual pits unless they have reached the stage of discussion under District Conciliation Agreements, but national and district organisations on both sides of the industry were placed under an obligation to introduce improved methods to deal with pit disputes as soon as practicable. The National Coal Board established by the Coal Industry Nationalisation Act, 1946, made an agreement on 5th December, 1946, with the National Union of Mine Workers to adopt with modifications, the National Conciliation Scheme of 1943.

Failing settlement of an industrial dispute by the parties, the first endeavour of the Ministry is to bring about an agreement by conciliation proceedings. Under

¹ M.O.L. Report, 1939-46, p. 275.

war conditions there was a very considerable extension of the Ministry's conciliation work. The number of settlements reached directly under the auspices of the Ministry during the eight years covered by the Report of the Ministry of Labour, 1939-46, totalled 2,350.¹

That conciliation work still operates, and the need of industry is that it should go on doing so, and be as successful in peace as it was in war.

¹ The number of awards issued by Arbitrators or Arbitration Tribunals on cases referred for Arbitration by the Minister was 1,676 and of these about two-thirds were awards made under the Conditions of Employment and National Arbitration Orders, 1940-4. See M.O.L. Report, 1939-46, p. 277.

CHAPTER ELEVEN

EDUCATION, RESEARCH AND PUBLICITY

(a) Education

LORD BROUGHAM, a former Lord Chancellor, once said he hoped a time would come when every man in England would *read* Bacon. When William Cobbett, the celebrated political writer and reformer, heard this he replied he would be satisfied if the time came when every man in England would *eat* bacon.

The synthesis of both these ideas epitomises an efficient industrial educational system.

In these times of social, economic and political change, when the Trade Union Movement and its leaders increasingly undertake high administrative offices, and duties of considerable national and industrial responsibility, the question of Trade Union education and research is of outstanding importance.

The pioneers of the Trade Union Movement, right back in the days before Pitt's administration had made associations criminal, were alive to the prime need of workers' facilities for education. The fundamental and harsh changes the Industrial Revolution made in the lives of the workers compelled them to defend themselves against the inhumanitarian conditions of the new system. Their only practical remedy was by working-class industrial and political combination. The instinct of

self-help finds a potent ally in self-education. The determination of the early Trade Unionists in their struggle for emancipation led to the organisation of the workers, notwithstanding the repressive measures of Pitt's administration and later governments, and the crippling decisions of some of the judges.

By 1871 public opinion had not only secured through Parliament a measure recognising the legality of the Unions, but also an historic Education Act.

The new status of the Unions brought new industrial, economic and social problems. These in turn created a greater responsibility in the task of labour organisation. Non-vocational education by the Trade Union Movement for its members, and an extension of the educational system generally, became imperative in the future interests of the workers.

The cause of working-class education was already being helped by the formation of a Working Men's College in 1854. Its founders, F. D. Maurice and Charles Kingsley, two leaders in the Movement for co-operation in industry, and for the education of the workers, aimed at providing "ethical culture" rather than "any notion of a narrowly practical training".

The strong Christian undercurrent in the field of education aimed at in those days by labour leaders led to a deeper and stronger sense of comradeship in the workers' Movement.

In 1899, the famous Ruskin College was established in Oxford. Its founder was Walter Vrooman, an American. That opened the doors of the University to the working class. For many years now it has been supported mainly from Trade Union funds. Its students also are selected and maintained by the Unions.

Ruskin shapes its curriculum so as not to educate its students out of the industrial labour movement, but to equip them for leadership and service in it.

The pioneer Trade Unionists were very conscious that the progress of Trade Unionism would depend greatly on the way it served the well-being and interests of the workers and the community. These hard-headed, horny-handed men had learned in the hard school of experience that "thought is but a poor business compared to action", and that the sort of education the workers needed was one where the practical underlay the intellectual.

In 1906, before the College came under working-class control, the "left" views held by its students brought them into conflict with the authorities there.

The Principal, Dennis Hurst, was subsequently dismissed for taking sides with the students, who consequently started a rival college, the Central Labour College, which migrated to London under the financial support of the South Wales Miners' Federation and the National Union of Railwaymen. This enterprising band of students started a new paper, the *Plebs Magazine*, and later a society called the Plebs League—now merged in the well-known educational organisation, the National Council of Labour Colleges.

Ruskin itself became affiliated to the Workers' Educational Association, a body formed in 1903, and which was the first serious attempt to make the Trade Union Movement a force on the educational front.

The W.E.A. has district and branch organisations throughout Great Britain. Its Trade Union affiliation is so strong that it has a special Trade Union Committee, the W.E.A.T.U.C. consisting of representatives of the W.E.A. and its affiliated Unions.

The W.E.A. has organised tutorial classes through the Universities, its policy being to strengthen the link between labour, co-operative bodies and the educational institutions of the country. No dogma is imposed for propaganda ends, students being left to develop their own views and to rely on their own judgment. The policy of the Association is that those who have to work by "hand or brain", to secure independence, should learn how to apply it to the facts of life, and that there are only two ways of being independent, namely, if you require much, you must produce much; if you produce little you must require little. These two guide-posts on the industrial road were never more necessary than they are to-day.

An extension of W.E.A. is the week-end schools for Trade Union members, scholarships to grammar schools and college evening classes, correspondence courses, and summer schools at Geneva in conjunction with the International Labour Office.

The National Council of Labour Colleges also has Trade Union and Co-operative affiliation. It is the combination of the earlier Central Labour College (now the Labour College in London), the Plebs League, and numerous classes which sprang up all over the country due to the split between W.E.A., the Plebs and Ruskin.

The N.C.L.C. was begun as a militant left-wing revival of the W.E.A. Now its active policy is to teach its students history, social science, economics and so on in a critical, objective and non-traditional form. It also publishes pamphlets and books, some of which are accepted as standard works.

The N.C.L.C. is the largest non-State-subsidised workers' educational organisation in the world. It

conducts educational schemes covering England, Scotland, Wales and Ireland for over fifty organisations, with a combined membership of 5,000,000. It also conducts similar schemes for Co-operative societies, Trades Councils and Trade Union branches. Its supporting organisations include the largest Unions in Great Britain, and the educational courses of N.C.L.C. are free to the members of these Unions.

The major part of the educational work of the British Trade Union Movement is done by the N.C.L.C.

The T.U.C. has always identified itself closely with education, and as far back as 1898 Congress called for a radical reform of our educational system.

Between the two wars the T.U.C. tendered evidence to the Malcolm Committee on education and industry. The terms of reference of this committee covered the whole system of education in England and Wales in relation to the requirements of trade and industry, with particular reference to its ability to enable young people to enter into and hold suitable employment. Its report was published on the 3rd November, 1926, and the 23rd April, 1928, respectively.

More recently the T.U.C. submitted evidence to committees on agricultural education, curriculum and examinations; on public schools, and to the Youth Advisory Council.

In 1946 the T.U.C. submitted to the Central Advisory Council for Education (England) its views on (1) the transition from school to independent life; (2) present school provision; (3) present school health services and steps taken by the T.U.C. to improve conditions locally and through the central government; and suggestions for the future. This is a valuable objective document which will repay examination. The notable point is the weight

which is given to these views in the sphere of national education. In 1947 the Minister of Education appointed a committee to consider "the provision which should be made for education, for commerce and for the professions relating to it and . . . contributions to be made . . . by the Universities and Colleges and Departments of Commerce. . . ." The General Council was invited to submit evidence and presented an important memorandum to the committee.¹

In the same year Congress instructed the General Council to inquire into the question of a co-ordinated scheme of adult education under one centralised control. Such a scheme would provide a comprehensive and coherent educational service for Trade Unionists and eliminate the overlap and duplication now existing.

The T.U.C. is a member of the newly-formed National Foundation for Adult Education, whose policy is to consolidate rationally all substantial organisations for adult education.

Congress also provides for an Annual Summer School for special subjects. This is so popular that it quickly becomes fully booked. It also holds week-end schools paying all their costs except fares, which are pooled.

T.U.C. training courses now running provide for intensive training of all workers in the Trade Union Movement. Industrial and Trade Union history and structure, industrial relations and negotiations, and industrial and social legislation are all included in the syllabus. A development of this is under consideration in the form of a T.U.C. training college, where a comprehensive course can be given to those engaged in the Trade Union Movement.

¹ The memorandum is set out fully in the T.U.C. Report, 1947.

Through its Educational Trust, Congress liberally provides for scholarships to Ruskin College, and for the course of Trade Union studies at the London School of Economics, which covers the subject of labour markets, Trade Union organisation and policy, economic and social history, Trade Union law, political and social organisation, and statistics.

Finally the increasing recruitment of Trade Union leaders to publicly-owned industries and ministerial appointments has posed the problem of creating a scheme under which a reserve of members may be built up, trained in the principles and practice of competent and reliable leadership, from whom future leaders may be drawn.

(b) Research

Ancillary to educational activities is the work of research of the Economic Departments of the Trade Unions.

The Research Service is chiefly engaged on formulating and arming Union representatives with information for use in their various activities, such as negotiating wage agreements, settling disputes, investigating conditions of work and questions of trade practice and economic factors relating to the industrial position. There is need, too, for information and instruction at the branches and other sections of the Movement. Changing conditions in industry since the last war have made the volume and need of such research and data all the greater. So many Acts of Parliament and new Regulations and Orders require expert opinion and instruction. Often statistics relating to some firm or firms, or even a whole industry

involved in a dispute on some agreement is required and it falls to the Research Service to supply it. Production, costs, exports, imports, balance of payments in relation to overseas trade, new processes, changes in organisation or business methods—these and a thousand others require the searchlight of the Research Section upon them. Science makes more and more demands on the energetic examination and supervision of its many facets and extensions by the Trade Unions and the T.U.C.

The same ever-expanding process goes on in the sphere of the Union's economic branch. Post-war reconstruction, nationalisation, transport, fuel and power, taxation, closing hours, civil aviation, cost of living index, wages policy, trusts and cartels are all questions lying within its broad compass.

(c) Publicity

No great organisation can exist under modern conditions without publicity in some effective form. Certainly no political movement could venture its fate or its future without a strong organisation of Press and propaganda behind it.

The same rule is true in the case of the Trade Union Movement. It has to maintain the support, as well as enlist the membership of vast numbers of wage-earners. It has not only to produce results in the sphere of its activities, but it has to see that these results are understood and registered in the minds of its members and of the public. Moreover, its position in the scheme of our industrial system has to be safeguarded and asserted. Its industrial, economic and social policy has to be advanced, advocated and achieved. Its vast and complex machine

has to be financed and fostered. All that could not be maintained without the apparatus of publicity in a world where political, industrial and economic thought and action is often found to be so sharply divided and in such acute conflict.

The interest of the Unions is, therefore, closely centred in the activities of the Press. It is particularly identified with the national newspaper, the *Daily Herald*, which supports the British Labour Government and the policy of the British Labour Party, Co-operative activities and the British Trade Union Movement. The latter has a substantial holding in the *Daily Herald*. The General Council of the T.U.C. associates itself actively with the development of the *Daily Herald*. The late Lord Southwood's name is inseparably associated with the *Daily Herald* and its impact on the Trade Union Movement, for it was he who came to the paper's rescue in the days when it was struggling against odds.

The dividends paid by the *Daily Herald* to Congress are utilised to provide special educational facilities for trade unionists.

Congress has set up an Advisory Committee to advise on increasing the circulation of the *Daily Herald*, and to bring that paper into closer contact with the publicity services of the T.U.C. and the various Trade Union journals with a view to mutual assistance. The Advisory Committee is presided over by Lord Dukeston and has representatives from those Trade Unions who have journals, as, for instance, the A.E.U.; T. & G.W.U.; N.U.D.A.W.; Poultry and Paper Workers; Association of Engineering and Shipbuilding Draughtsmen; and Electrical Trades Union. The Advisory Committee has also the task of bringing into publication a weekly T.U.C.

Journal. There seems every indication that when the paper famine goes the Trade Union Movement will greatly strengthen its potential in the field of publicity.

The T.U.C. has a monthly publication called *Labour*, which has a large circulation, and a fortnightly bulletin, *The Industrial News*. It also regularly publishes leaflets and pamphlets. Many annual reports come off its press, and most of these are a storehouse of information concerning the many activities of the Movement at home and abroad. It also issues guides in relation to such matters as pensions and other topics concerned with industrial life. Two recent very notable publications of the T.U.C. were *Four T.U.C. Documents*, and *Post-War Reconstruction*—the first dealing with fiscal policy, transport, public ownership, and cartels. It also published in May 1947 an excellent brochure setting out *What the T.U.C. is Doing*.

The T.U.C. is joint publisher with the Labour Party of a series called *Weekly Notes for Speakers*, which supplies current and up-to-date material on industrial and political topics.

All this work is the function of the Publicity Department of the T.U.C. and the Unions. Press connections of the National Council of Labour are maintained jointly through the T.U.C. Publicity Department and the Labour Party Press Department, whose assiduous efforts have met with considerable success.

CHAPTER TWELVE

SOCIAL WELL-BEING AND INDUSTRIAL SAFETY

(a) Welfare, Health, and Safety

A PARAMOUNT function of every Union is to secure the welfare of its members, healthy conditions and safety in their work. In this respect the entire working population of Great Britain has benefited incalculably. Even before the Unions were in the strong position they now occupy, when the pioneers of the Movement were fighting the early battles of industrial organisation, strong pressure was brought on public opinion and Parliament to make radical reforms in the deplorable conditions of work which deeply discredited the whole industrial system.

The early problems which arose in this field of labour organisation followed from the complete dislocation of English life due to the "Industrial Revolution", which distinctly changed the balance of population and wealth between town and country.

The beginning of this new era in our history dates from the early part of the reign of George the Third, in the middle eighteenth century, when, as Mr. Trevelyan says in his *History of England*, "new forces of machinery and capitalised industry worked their blind will upon a loosely organised, aristocratic society that did not even perceive that its fate had come upon it".

It is an error, however, to suppose that all labour troubles came from the new economic system. The miners for example had, ever since the opening of the first coalmines centuries before, been disgracefully paid, overworked and housed, and there had been no attempt worth the name to protect them from accident at their perilous work. The utter disregard for the welfare and safety of these men is demonstrated by the stark fact that prior to 1815 no inquiry or inquest was held into any accident or death in the mines in the north of England. In Scotland, right up to the end of the eighteenth century, miners were "bound serfs". The fate of other workers in this country, adult and child, was little better. Differences in wealth made the gulf between the rich and the poor an open scandal and a national discredit. The wide divergence in the conditions of these classes made "two nations" out of one people. No attempt was made in this ruthless system to ensure the welfare, health and safety of its workers.

England at that time had an antiquated and outworn administrative machine which it had inherited from Tudor times. The effect was that neither our legal code nor our administrative machine was capable of meeting this unguided and unprecedented change. The inevitable result was "cheap labour", the sending of women and children to work in the mines and factories with no limit of hours or any sort of regard for their safety or health. This became the normal rule of everyday life, unregulated and unchecked. Finally, when the poor law authorities began collecting children, often paupers, to be forced into working under this inhuman system, the public conscience revolted.

As a result the first Factory Act was passed by Parliament in 1802, under which hours of work were regulated

and pauper children sent to the textile factories were given protection. Further improvements followed in 1819 due to the efforts of Trade Union leaders, foremost among whom were Francis Place, Samuel Bamford and Thomas Hardy, supported by the ceaseless exertions of Robert Owen who, although an employer himself, was in the forefront of the movement for working-class association and co-operation which fostered the early growth of British Trade Unionism.

The evils of the new economic system, however, tended to increase, and by 1833 the demand for reform had gained considerable momentum. Pauper and non-pauper children were still being bandied about from place to place wherever a factory was found to be in need of "labour". The physical condition of these young children was of no account. Whether they were halt or incapable of enduring the physical strain of the work they were put to mattered nothing. From five years of age they were condemned to work thirteen hours a day at one shilling a week.

The efforts of Trade Union leaders to remedy this evil were powerfully supported by the historic work of Lord Shaftesbury, himself originally miserably poor, an enlightened Tory, and one of the noblest champions the workers ever had. In passing it is interesting to recall that the now famous statue of Eros at Piccadilly Circus was erected to the memory of this great social reformer.

The strong agitation in 1833 led to the first really effective Act to deal with these abuses. It prohibited the employment at all of children *under nine*, and those between nine and eighteen years of age were debarred from night work. The working day for those between nine and

thirteen years was reduced to *nine hours*, and those under thirteen had to attend school daily.

It was this Statute that introduced the practice of appointing factory inspectors, who were made independent of the local justices.

By 1844 the legislature strengthened the law regarding "inspection", and the safeguarding of machinery to protect the worker from injury. The same Act sought to abolish the pernicious practice of the "relay" employment of children. This provision was, however, wantonly evaded, and the Trade Unionists and reformers of the day challenged the employers, on this breach in the Exchequer Court. They failed. Baron Parke upheld the practice on the ground that the Act of 1844 had not provided that all protected persons were to leave off work at the same time. It took another thirty years before this evasion was declared invalid. In 1874 "ten hours" became the legal maximum of a working day. That also gave the textile workers what they had been promised twenty-five years earlier.

The legality of the Trade Unions had been established in 1871 and their strength was now growing rapidly. As a result the spotlight of public attention was turned resolutely onto tightening-up and extending the protective provisions of the factory laws.

This led to the appointment of a Royal Commission in 1876, and two years later a new Factory and Workshop Act was passed which created a code that was made to apply to every factory and workshop in the country. This code greatly strengthened the law. By 1901 the need of further provisions in the light of experience led to an Act in that year to increase the welfare and safety of the workpeople. It was the result of the constant

vigilance and demands of the Unions to render the employment of children under twelve illegal; to place upon employers as well as parents the responsibility of seeing that "half-time" children of twelve to fourteen years of age attended school; and for still wider powers to ensure the protection of all workers. The Act gave the force of law to all these requirements.

This process has been under continuous pressure by the Trade Unions to meet the recurring need of improving factory conditions and safeguarding the worker in his employment. As a result a consolidating Act, with amendments, was passed in 1937 with the most comprehensive provisions for the worker's protection.

Among the old evils Trade Unionism fought hard to outlaw were the practices of "truck" and "butties", both of which were often close allies. The "butty" was a middleman who rented a coal or other species of mine and sold tools at his own price to the men he employed. He also usually ran a "truck-shop", through which he paid his workers wages in groceries or drink—in anything but money! It was this dubious practice which led one of Disraeli's characters in *Sybil*—Mr. Nixon—to observe that "... this here age wants a great deal, but what it principally wants is to have its wages paid in the current coin of the realm".

Those abuses were made illegal by the Truck Acts of 1831, 1887 and 1896, and by the Hosiery Manufacture (Wages) Act of 1874—subject to a modification contained in the Truck Act of 1940.

The early part of the present century saw the introduction of Statutes relating to Workmen's Compensation, Shop Acts, Health and Unemployment Insurance, and more recently, in 1946, the National Insurance Act and

the Industrial Injuries Act. In all these the Trade Unions and the T.U.C. played a prime and active part both inside and outside the House of Commons.

The two last-named measures were piloted through the House and in Committee by the present Minister of National Insurance, the Rt. Hon. James Griffiths, M.P., whose vast experience and thorough knowledge of industrial injuries and social insurance was learned in the hard school of the pit where he worked for over fifteen years, and in the sphere of practical Trade Union administration.

The task of the Union and the T.U.C. has not infrequently been smoothed, as well as actively assisted, by the co-operation of progressive employers.

In the field of superannuation and pensions the T.U.C. was instrumental in securing the Pensions Act, 1944, which provided for pensions for public servants. On the expiration of the Act in 1945, the T.U.C. pressed for increases in the pension allowances. Subsequently the Act of 1947 raised the rates of payment and extended the range of persons covered. The Treasury also has power to make regulations legalising pensions negotiated by the Union on behalf of retired staffs of public or quasi-public bodies where statutory approval is needed.

Congress has also explored the possibilities of improving local Government superannuation schemes, and secured the assent of Parliament to new and improved regulations.

In the administration of National Insurance the T.U.C. nominates its representatives on the various boards and councils which operate under the National Insurance Act, 1946.

T.U.C. members were appointed to the Government

Committee set up in 1944 to consider, *inter alia*, the question of any "alternative claim" at common law in relation to the Industrial Injuries Act of 1946 and the benefits payable thereunder.¹ The Unions and General Council have given a good deal of thought and done much research on this subject, and have accumulated a good deal of valuable data on industrial accidents and disease. The General Council were represented by two of its nominees on the Committee which the Minister of National Insurance appointed to deal with the selection of industrial diseases for insurance under the Act of 1946.

Welfare, Health and Safety are now well organised departments of the T.U.C. and the Unions, and the effect is being increasingly seen in growing industrial well-being.

(b) Cash Benefits and Assistance

The provisions which Unions, as a rule, make for cash benefits and assistance to its members, go back to the early days when Unions were more in the nature of benefit societies than the industrial organisations they are now. The cash benefit has become only one facet of the numerous services provided by the modern Union to its members. These benefits, however, cover a large and important range of payments such as strike and victimisation pay, sick and accident, and unemployment benefits, distress payments, legal assistance, funeral expenses, wife's and children's insurance, and so on.

Sick and funeral benefits rank among the oldest functions associated with Trade Union administration. The Webbs in their *History of Trade Unionism* emphasise this feature of the earlier Unions in their character of benefit societies

¹ Now the subject of the Law Reform (Personal Injuries) Bill (1948).

or clubs, pointing to the gradual expansion of these societies into industrial organisations as parallel activities to this original benefit insurance service.

The right to benefit is not automatic. It usually depends on certain conditions being satisfied, such as the payment beforehand of a specified number of contributions. Default in these payments in addition to suspending the right to benefit may in fact cause membership to lapse. The right to accident benefit also depends on the injury being sustained by the member whilst following his employment. In cases of dispute and victimisation benefit, the General Executive Council of the Union usually determines the amount of payment to its members independently of the number of weekly contributions they have paid.

Expenditure in these benefit services vary considerably according to the circumstances arising during the periods in which they are made. They are, however, at all times very substantial, absorbing from a third to a half of the total expenditure of the Unions as a whole.

(c) Legal Advice and Aid

The branch of Trade Union administration which provides for the service of legal advice and aid to its members has in recent years grown considerably. The service is, ordinarily, at the discretion of the Union concerned, and is usually afforded where some legal question connected with the worker's employment is concerned.

An important advantage is derived by the members of the Union from the machinery of this department by reason of the specialised experience of the Union's officials, and the practical knowledge gained by the Legal Department

in the kind of case normally presented to the Union for advice on behalf of its members.

No condition is, as a rule, attached to this service except that those who have recourse to it should have duly observed the requirements of membership.

The need for legal assistance has greatly increased because, in spite of everything that has been done by the Unions and Parliament to secure safety at work, there is always some incident of negligence, breach of statutory duty or regulation and the ever-recurring circumstance of inevitable accident. Workmen's compensation comprised a large part of the legal activity of the Unions. Much of this was the subject of negotiation and amicable arrangement, often resulting in an award by the County Court with the assent of the worker and employer concerned. Many cases, however, were contested involving a principle important to the workers as a whole, or to employers, and these were backed by the Union concerned in the interest of its members, and of labour generally. Many of these cases, or "arbitrations" as they are more strictly called, became "leading cases", often finding their way to the House of Lords, and playing their part in legal history.

Those who have had experience of this branch of the Union's work know the great care and skill exercised in the handling of members' cases, so much so that in the areas or districts, if a case is not plain sailing, it at once goes off to the Union Head Office for attention.

Apart from workmen's compensation, there are a large number of cases relating to the Employers' Liability Act,¹ breaches of Statutory Regulations, cases of negligence, and matters arising from industrial legislation generally,

¹ Now to be repealed by the Law Reform (Personal Injuries) Bill, when it becomes law.

as, for example, the Factories Act. In all these branches of the law famous cases mark the important part the Unions have played in protecting their members' rights, and upholding their members' claims. These decisions have sometimes, as in the cases of the Taff Vale case and the Osborne case, gone against the Unions, but in most such cases where a principle vital to the existence or functioning of the Trade Unions was at stake, the failure in the Law Courts has acted as a means of testing the law, and, where necessary, of seeking from Parliament the essential remedy. An example of this was recently provided by the case of *Nicholls v. F. Austin (Leyton) Ltd.*, in which the House of Lords affirmed a decision of the Court of Appeal and held that the obligation under the Factories Act, 1937, to fence securely every dangerous part of any machinery, was an obligation so to screen or shield the dangerous part as to prevent the body of the operator from coming into contact with it, and did not extend to fencing the dangerous part so as to prevent any part of the material on which the machine was working from flying off and striking the operator, that matter depending solely on the making of regulations by the Secretary of State. That decision left undecided a very important point, namely, how far special regulations made under the Factories Act modify the protection given by the Act itself? The result in such a case is that the Unions take appropriate measures either to secure an alteration, or a clear enactment of, the law.

A large number of cases also arise from circumstances of unemployment, for work done or wages in lieu of notice, or damages for wrongful dismissal. There are, too, certain types of employment which create the need for special action by the Unions' legal department. A

familiar example are the cases that arise under the Road Traffic Acts. Very grave charges sometimes arise under these Acts, such as manslaughter, and in such an event the Union sees that the member concerned receives the most competent help in the preparation of his case and the presentation of his defence. Incidentally, it was the evidence submitted by the Transport and General Workers' Union which played a decisive part in having compulsory third-party insurance adopted and enacted in the Road Traffic Acts. The result has been that a vast number of people have received redress in road accidents which otherwise could not have been secured by them. No charge is made on the member for any part of the above service, whatever the cost, or whatever the conclusion. Moreover, any sums which a member recovers in any proceedings is paid to him without any deduction whatever by his Union.

Another important task of the Legal Department is the investigation of occupational diseases. The latter is an increasing quantity in industrial casualty. The Schedule of Industrial Diseases has grown with the years, as is amply attested by such names as pneumoconiosis, dermatitis, silicosis, asbestosis, epitheliomatis cancer, manganese poisoning, anthrax, ankylostomiasis, and other malignant affections that accompany certain industrial occupations. These diseases are all catalogued as being "injuries by accident", for which the sufferer or his dependants will be entitled to compensation or benefits under the Industrial Injuries legislation.

When the latter comes into operation on the "appointed day" to be determined by the Minister of National Insurance,¹ it will replace the old system of "Workmen's

¹ Now fixed for 5th July, 1948.

Compensation", unless the accident occurred before the "appointed day". The repeal of the Workmen's Compensation Act, 1925, will not in any case affect supplementary allowances payable under the Workmen's Compensation (Temporary Increases) Act, 1943, nor any Rules of Court made under the Workmen's Compensation (Transfer of Trades) Act, 1927.

It is of importance to note that the new Act¹ changes the whole basis of the law affecting compensation arising from industrial accident. Formerly liability has been imposed on the employer to pay compensation. Under the Act of 1946 this is replaced by a compulsory and contributory scheme of insurance supported by the employer, the workman and the State. The scheme embraces all employed persons under contract or apprenticeship without limit of remuneration. Moreover, the Minister is given power (which is retrospective) to prescribe as industrial disease or injuries those cases in which he is satisfied that the cause, incidence, and other relevant considerations make them an occupational risk and reasonably attributable to the nature of the employment. This is a big advance on the previous law, and a great deal of it is undoubtedly due to the exertions of the Legal Departments of the Trade Union Movement.

In the case of Unemployment Insurance, officers of the Union's Legal Department frequently attend the Courts of Referees to state a member-applicant's case, and when necessary the Union takes the matter to the umpire, by way of appeal from the Court of Referees' decision.

The Legal Department of the T.U.C. is of more recent date than those of the big Unions, but a considerable

¹ The National Insurance (Industrial Injuries) Act, 1946. For the effect of this Act and the National Insurance Act, 1946, see the *Digest of British Social Insurance*, by T. S. Newman.

number of matters have already been dealt with by it, covering a wide field of law. It is in the hands of Mr. W. A. Citrine, LL.B., the son of Lord Citrine. Much of the spade work in this field has been done by Mr. Frank Stillwell, who has for some years been responsible for the Legal Department of the T. & G.W.U.

Affiliated members and Trades Councils are making good use of the T.U.C. Legal Department. Trade Union and Industrial Law, drafting, amending and interpreting rules, amalgamations of Unions, the Law of Master and Servant, Local Government, Colonial Labour legislation, Libel and Slander, Vendor and Purchaser, are among the subjects on which advice is frequently sought and provided.

The rapid expansion of the Trade Union Movement has made this legal service indispensable to its members, for as one of the big Unions has truly said: "That while Acts of Parliament and common law grant numerous rights, such rights can only be secured by the individual, and safeguarded for the community, if they are prepared to insist on them as individuals. This is very often a matter of great difficulty unless support is forthcoming, such as is provided by the Union's legal aid."

CHAPTER THIRTEEN

THE UNION IN POLITICS

THE TRADE UNION to-day is not merely in politics, it is a powerful political force. The right of the Trade Union Movement to concern itself with political organisation and action cannot, in a democratic society, be doubted. Its identity with the Labour Party is founded on an historic link, and maintained by a common platform of political faith.

The right to have political objects had to be fought for. The right to establish a fund to finance these objects had also to be fought for.

There was a time, not so very long ago, when it was a crime for the workers to combine for either industrial or political objects. It was a crime for which, as we have seen, the Tolpuddle Martyrs suffered transportation and paid with their liberty.

History abundantly testifies the need, throughout the latter part of the eighteenth and the greater part of the nineteenth century, for the defence and improvement of the workers' lot in industry. The Industrial Revolution brought much new wealth to the country and laid the foundation of modern England. It swept away "rotten boroughs", but it created social and economic conditions which few historians have failed to denounce. So bad were they that Bagehot, even by 1830, was led to say that "the real need was not political but industrial reform", overlooking in the urgency of the latter the necessity of the former to secure redress.

The new industrial system had from the early years of George the Third's reign entirely dislocated English life. The state of affairs was such that Lord Grey, the Prime Minister and a zealous advocate of parliamentary reform, described the situation as one in which "the Government, nay the country, could organise itself for no special purpose, and allowed its millions to become the economic prey of blind forces". Every available form of labour was being pressed into the hungry jaws of industry. The Combination Laws of 1799 and 1800 made any concerted actions by the workers illegal. They were not without friends, whose high courage faced every obstacle, however perilous or powerful, to remedy these crying evils of the times. Men like Cobbett, Hunt and Place, led this movement for reform. In 1816 they banded together all the political forces they could in the country to secure through Parliament some amelioration for the workers. One of the major difficulties lay in the fact that political and social power was concentrated largely in one class and rested upon the possession of property. The worker had no vote. The Government would allow no mass meetings and would-be reformers were marked men. London and Lancashire were the two main storm centres. In London the crowd was so embittered that insults were heaped on the Regent as he made his way to the opening of Parliament. The general situation was critical enough to occasion the suspension of the famous Act of Habeas Corpus.

In the north the struggle was marked by an ugly clash between the soldiery and agitators, numbering about 80,000, who had marched to a large field on the outskirts of Manchester near St. Peter's church, where the Free Trade Hall now stands. Much contradictory testimony

was given at the time as to the circumstances of this conflict, which became known as the "Battle of Peterloo".

In 1824 the Combination Laws were repealed.¹ This released a large radical force of workmen who associated together to agitate for a share in the political government of the country. In 1832 some extension of the franchise came, but the workers were still left bereft of any share at all in political power. Their industrial freedom was little improved despite the repeal of the Combination Laws, because a decision of the Law Courts put them back into the criminal calendar as conspiracies in restraint of trade, and by that stroke disarmed and prohibited workers from taking part in any collective action to secure better wages or conditions or any improvements whatsoever.

Two events occurred in 1867 which were ultimately to put an end to these oppressions. One was the passing of the second Reform Act, and the other was the appointment of a Royal Commission to enquire into the legal and industrial rights of Trade Unions. The Act reduced the £10 property qualification to entitle a person to vote to £5 in the country. In the Boroughs it gave a vote to every houseowner or occupier of twelve months standing who paid Poor Rates. It still left the agricultural labourers and the miners unenfranchised as previously, a condition which was to last until the third Reform Act in 1884.

The Unions fared better at the hands of the Royal Commission. That led to the recognition of the Unions in 1871.

The road there had been a hard one. The workers had lacked cohesion, and sometimes conviction. The apparent

¹ See Chapter 1, p. 7 *et seq.*

hopelessness of any redress through Parliament had divided the workpeople into two camps, one of which strongly disfavoured any further political activity. The Conference of Workers' Representatives in 1864 revealed¹ how ill-organised and divided the workers were. Even the 1868 Conference at Manchester,² which represented the rank and file of the workers who had rallied under the employers' and Government's attack, following on the "Sheffield Outrages", was divided on questions of policy. Although united effort was lacking, the Unions did, nevertheless, separately set out to secure parliamentary representation as the most immediate and effective means of achieving their industrial aims. This policy proved right, as the Act of 1871 strikingly testified.³ Having thus entered the political field, the Trade Unions found strong allies to support them in their struggle. These were the Socialist League, founded in 1885 by William Morris, poet and artist; the Social Democratic Federation, founded in 1881 by H. M. Hyndman, an old Etonian, whose earliest inspirers were the Webbs and George Bernard Shaw; and Keir Hardie who founded the I.L.P. which, in 1899, persuaded the T.U.C. to form a Working Class Political Party—the L.R.C., which eventually became the present Labour Party.⁴

When the Unions had the taint of criminality removed in 1871, they determined to exert influence through representatives in the House of Commons. They did this by sending their own elected representatives to Parliament, and by getting their members to vote for candidates who pledged themselves to support measures in favour of the Trade Unions.

¹ See Chapter 5, p. 40. ² See Chapter 1, p. 11 and Chapter 2, p. 15.

³ See Chapter 5, p. 43. ⁴ See Chapter 8, p. 83 *et seq.*

The first Trade Unionist M.P.s of the Victorian era to represent Labour direct were Thomas Burt and Alexander Macdonald, both miners, elected in 1874. Amongst those subsequently elected were Henry Broadhurst (stonemason), in 1880;¹ Charles Fenwick (miner), William Crawford (miner), and John Wilson (miner), in 1885. Joseph Arch (who founded the Agricultural Labourers' Union in the '70s), joined the growing number of Trade Unionist M.P.s with Keir Hardie (the dockers' leader), and Havelock Wilson (the sailors' leader), in 1892.

After 1871 the Unions increasingly used the political hustings to agitate for legislation to improve the safety, welfare, wages and conditions of work of the working people. Demands for compensation or benefits when injured, sick or unemployed, the right to withhold their labour, or to negotiate for remunerations by the means of combination and collective bargaining had to be battled for inside Parliament itself as well as in the constituencies and at Parliamentary elections. The entry of the Unions into politics has been, and still is, a vexed question. The Trade Union view is that without taking a vigorous part in promoting, enforcing and resisting all sorts of legislation, the Trade Union could not effectively fulfil its functions of looking after the interests of its members. It contends that this requires the most watchful scrutiny of the administration of every public department, and that there is not a day passes but something in Parliament demands the attention of the Trade Unions. The Union leaders take the line that if the Movement went out of politics it might as well go out of business, and they stress such examples as the Taff Vale and Osborne decisions as illustrations of the need for strong political affiliation

¹ In 1886 Gladstone made him an Under-Secretary of State.

and action.¹ They also point to the fact that there are employers' Unions and Federations which are active in the political field, and whose interests are directly represented in both Houses of Parliament.

Trade Union and Labour representation has increased considerably in the past twenty-five years. The strength of Labour in the present House of Commons is 393, among whom are 135 Trade Unionist M.P.s, for whom their Unions have accepted financial responsibility for maintaining the political organisation in their constituencies. These members render assistance to the Trade Union Movement on questions in which it is interested, but they cannot, however, be restricted in their full freedom of Parliamentary action and speech without running the risk of a serious breach of parliamentary privilege. This constitutional position of an M.P. was defined in the famous dictum of Burke in 1774: "His unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man or any set of men living. . . . Your representative owes you not his industry only, but his judgment; and he betrays instead of serving you, if he sacrifices it to your opinion. Parliament is a deliberative assembly of one nation, with one interest—that of the whole; where not local purposes, not local prejudices, ought to guide but the general good, resulting from the general reason of the whole." This view was recently confirmed by a motion of the House of Commons, which affirmed that it was not consistent with this privilege for an M.P. to enter into any contractual relation with an outside body controlling or limiting the member's complete independence . . . or stipulating that he shall act in any way as the representative of any outside body

¹ See Chapter 2, p. 16 *et seq.*, and p. 20 *et seq.*

as to matters transacted in Parliament. This arose in connection with a dispute between W. J. Brown, M.P., and his Union, the Civil Service Association, in reference to his agreement with them as the Union's Parliamentary General Secretary under which he contracted to represent the Union on Civil Service questions.

Prior to the first shortlived Labour Government in 1923, an occasional Trade Union M.P. found his way into ministerial office, as in the case of John Burns, who became President of the Local Government Board (now the Ministry of Health), in Sir H. Campbell-Bannerman's Government of 1906. In the present Labour Government, Trade Union representatives predominate on the Treasury Bench. Among them is the Government Chief Whip, the Rt. Hon. William Whiteley, M.P.,¹ who was formerly a miner and sits as a "miners' M.P." He also held his present office jointly with the Rt. Hon. J. Stuart, M.P., in the War Coalition Administration which preceded it. The "Chief" is a great asset to the Government, and the guide, philosopher and friend of every member of the Parliamentary Labour Party. The leading Trade Unionist in the Cabinet is the Foreign Secretary, the Rt. Hon. Ernest Bevin.

Trade Unionist M.P.s are industrial specialists and bring to parliamentary debate and inquiry the advantages of wide practical experience on matters like nationalisation, industrial injuries, votes for the Post Office and other Government services, and Labour questions generally. The House of Lords has recently received on the Government benches outstanding examples of the high capacity of statesmanship and administration evinced by Trade

¹ On whom the rare distinction of Companion of Honour was conferred in the King's Birthday Honours List this year (1948).

Union leaders. Among such outstanding personalities are Viscount Hall, First Lord of the Admiralty, Lord Walkden, Captain of the Yeomen of the Guard, and Lord Dukeston,¹ who, although only a short time in the upper House, is becoming one of its "elder statesmen".

Trade Unionist M.P.s take an active part in deputations to Ministers; in legislation to promote or amend measures for the welfare of the workers; and on standing committees of the House of Commons dealing with such legislation, as, for example, Industrial Injuries, National Insurance, Statistics and Organisation of Industry, Agriculture, Nationalisation and comparable subjects. There is also a special organisation at the Union chief office, and in the areas equipped for the special purpose of dealing with questions of industrial legislation and propaganda. This is used for the purpose of furthering the interests of Trade Unions through discussions, deputations to Ministries, M.P.s and other channels. In this way an effort is made to gain public and parliamentary support for the Unions' point of view. This particular function is also extended to local government questions and elections.

Parliament is not the only medium of Trade Union political action.

The local government work done by Union members in the country and towns is considerable. In counties such as Durham the bulk of the Council is composed of Trade Union representatives—men and women. They have in this sphere a record of loyal and public-spirited service to the community as a whole which is freely acknowledged.

¹ From a fourpence-an-hour navvy he rose to be a Director of the nationalised Bank of England. His death recently at the age of 67 has deprived the House of Lords and the Labour Movement of a distinguished personality.

The work itself provides an incomparable training ground for public administration and responsibility.

The funds required for the financing of the Union's political activities are derived from the political levy which, since the Trade Union and Trade Disputes Act of 1946, is paid by every Trade Union member unless he "contracts-out".

Allied to the Trade Unions and the T.U.C. in the political field is the Co-operative movement. A word as to that relationship may here be usefully added.

Way back in the 1830s Co-operation and Trade Unionism were closely associated; indeed, the Co-operative Societies, with Robert Owen at their head, were actually founded on Trade Union groups. The end of the Owenite movement led to a schism between Co-operatives and Trade Unionists. This division was later accentuated by the fact that the Industrial and Provident Societies Act, 1852, legally recognised the "Co-op" Societies, whilst Trade Unions were still to remain in the legal wilderness for another twenty years—and more.¹ The two organisations had, however, even before the revival of Trade Unionism following the London Dock Strike of 1889, begun to collaborate through a joint Committee on common questions of wages and conditions of work, and parliamentary policy and representation to take care of those matters. In 1896 the Co-operative movement publicly declared for closer relations on these lines with the Unions. By 1917 a Co-operative Representation Committee was set up, and the mutual tie between the Co-operative and Trade Union Movements was made still closer.

In the '80s most of the leaders of both movements

¹ See Chapter 2, p. 14 *et seq.*

were adherents of the Liberal Party, but by 1917 the political impulse asserting itself in the Co-operative movement was for a "Co-operative Commonwealth". Both the Co-operative and the Trade Union Movements are now linked up with the Labour movement through the medium of the National Council of Labour. This co-ordinates the political and industrial policies of all three. It also publishes statements of policy and decisions on matters of joint deliberation on behalf of the whole of the Working Class Movement.

CHAPTER FOURTEEN

THE "STRIKE" WEAPON

CALLING a "strike" or "lock-out" places a heavy responsibility on the Union or employers involved. It did that at any time. With the stark economic conditions left by the war, "strikes" and "lock-outs" must be incalculably injurious to national recovery. Industrial peace and productivity are, for the next ten years, desperately vital. A similar forbearance was needed during the war. Both sides of industry readily accepted the fact, and concurred in the "strike" and "lock-out" being made illegal until the fight against Nazi-ism was won.¹ The machinery of negotiation between Unions and employers remained intact, if not strengthened, and the prohibition against "strike" and "lock-out" was kept in reserve for use if the resources of negotiation failed.

Apart from this temporary ban the validity of the strike and lock-out is not impugned. The "general strike" is. There, however, strong controversy exists among lawyers, even the most eminent, for and against its legality.

The right of workers to combine with the object of withholding their labour was not conceded until 1875. Such combination, either to get wages increased or conditions of work improved, was a conspiracy. Parliament in 1875 changed the law of conspiracy by removing collective action by the workers outside its scope. The decisions of

¹ See Chapter 10, p. 107 *et seq* for the effect of the National Arbitration Order, 1940, and Section 19 of the Wages Council Act, 1945.

the judges that made men acting in combination different from those acting singly was no longer the law—at all events as regards strikes and lock-outs and acts honestly intended to advance the interests of those acting in concert.

Parliament in 1906¹ modified the law regulating the right of a worker or employer to terminate any contract of employment so far as it affects the question of collective action. A special provision was made giving to the workers and employers and their Unions protection from being sued for anything done by two or more persons in contemplation or furtherance of a trade dispute. Such acts are outside the law of conspiracy and of tort,² and no action on them can be entertained by any court. The point was this: unless there was immunity for any acts done in connection with a strike, the right to strike would be a dead letter.

The strike alternative is only used by Unions as a very last resort. The intelligent use of the present machinery of conciliation keeps the strike weapon in the background. It is there to be used if necessary, but it is an extreme measure for use only when all other avenues of settlement are closed, and the right of the workers to withhold their labour has to be asserted. Disfavour of the strike has grown with the development of the machinery for negotiation and arbitration. The knowledge that an impartial and reliable tribunal is available to examine and decide or report on an industrial dispute emphasises to both sides the sense, and the service to the community, in adopting that course. This method of settling industrial disputes

¹ Trades Disputes Act, 1906.

² "Tort" means a wrongful act or breach of duty by any person which injures any other person independent of whether any question of contract arises at all.

greatly helps to close the breach between both sides. The strike inevitably widens it.

One of the main objectives of the Trade Union Movement is to maintain and improve wages, hours, and conditions of labour.¹ The existing machinery of negotiation and arbitration clearly enables that to be done. What is needed to underwrite this is industrial prosperity. Given that, there is nothing to challenge the plain right to fair rates of wages and good conditions of work.

As to the other two aims of the Union; full employment and a share in the management of industry, these are matters closely allied to political action. The strike weapon is not calculated to further the interests of either.

A glance at the strike graph over the last half-century or more shows it to have been sharply influenced by the action of Parliament or the Courts in interfering with the scope of Trade Union action. The number and gravity of strikes have greatly increased in periods of bad industrial conditions, and a consequent deterioration of the standard of life of the working classes. 1918 to 1926 was such a period, when disputes and strikes constantly embroiled the industrial life of the country, and culminated in the grievous occurrence of the General Strike.

World war inevitably creates dislocations and disaffection in industry. Nevertheless, it is a hopeful pointer since the last war that recourse to conciliation and arbitration has gained a notable ascendancy over the alternative of strike action. That fact is undoubtedly largely due to the greater freedom of action enjoyed by Trade Unions.

At one time the most acute symptom of industrial unrest was the riots over the introduction of machinery. Then came the strikes for better wages and conditions.

¹ See T.U.C. Interim Report, 1943.

Now that the latter conditions are either an accomplished fact, or can be obtained within reasonable limits by means of negotiation or arbitration, this procedure is definitely replacing the strike. The process would be much helped if the working of the arbitration machinery was considerably speeded-up. Nothing ruins the chance of amicable settlement, or weakens confidence in its machinery, more than avoidable delays.

The outbreak of the "unofficial" strike actually emphasises the official attitude. Such strikes are directly opposed to Union policy, and do great damage to the principle of collective action. The whole strength of collective action lies in the ability of Union leaders to speak and act with the backing of their members as a whole. Nothing could more effectually bring the whole system on which the Trade Union Movement is founded into disrepute than the fact that an agreement made on behalf of the workers did not bind them.

One of the causes of strikes has been said to be the size of the factory or industrial undertaking. Statistics, however, do not justify this conclusion at all. What has been proved to prevent strikes in any workshop, whatever its size, is the way in which actual or impending differences are handled. If these differences are attended to quickly, if the works committee and shop stewards act promptly and with good judgment; and if employers tell their workers more about the undertaking's production plans, the amount of work in hand, future prospects, and the part the workers are to play in all these, differences not only get smoothed out, but many are avoided altogether. The practice of employers taking their workers into their confidence is increasing. There is a growing feeling that the whole atmosphere of industrial relations would be

considerably helped if Joint Production Committees were set up in the workshops generally. That is put on the ground of the development of industry during the past half-century from a strict master-and-man relationship *via* the phase of welfare and *paternalism*, to the modern conception of co-operative participation by all whose lives are invested in industry. The Trade Unions have called for Joint Production Committees for some time. The employers, however, are not in general agreement about this matter.

Another contributory to good relations in the workshop has been the system of "personnel management" introduced into some factories. This provides a "table" for the directors, managers and workers' representatives around which to hammer out problems, formulate present and future plans for work, and discuss domestic matters affecting the conditions in the workshops as to wages or any other of its aspects.

These are the lines that lead to industrial peace and prosperity and help to give the strike weapon only a nominal significance.

In this context it is interesting to note that in the fifteen months after World War I, we lost 38 million working days in strikes. In the same period after World War II, only 3½ million working days were lost—and many of these were due to "unofficial" strikes.

The much disputed issue of the "closed shop" affects the question of strikes because of its effect on industrial relations. The expression is American and has a wider meaning there than here. In U.S.A. it appears to denote the exclusion from a factory or even industry of any but one particular Union, and also of any non-Union labour whatsoever.

The T.U.C. describes "closed shop" as an inaccurate term, and not fairly attributable to its long-established aim of securing the "100 per cent Union shop"¹ The Unions claim that the latter fortifies the practice of collective bargaining. That in no way recognises any exclusive right to organise by one Union where other Unions have built up their organisation side by side.² As proof, the instance of the L.P.T.B. is cited. There, Unions other than the T. & G.W.U. have organised large bodies of workers and negotiated agreements for them. Moreover, it is on record³ that the "closed shop" in the sense of an establishment where only members of a particular Union can be employed is "alien to British Trade Union practice and theory". Furthermore the T.U.C. stress the fact that over a long period of years Congress has successfully operated through the General Council's Disputes Committee, machinery for the amicable settlement of such questions as demarcation or the overlapping of trades and occupations among the affiliated Unions.⁴

The same principle of safeguarding collective action is claimed by the Unions on the "breakaway" Union. The General Council refuses affiliation to such a body. An example of this occurred in 1937. A number of members of the T. & G.W.U. disagreed with a settlement made by Ernest Bevin, then the Union's General Secretary. These members, a small minority, broke away and formed a separate organisation. The Union members refused to work with members of the new Union which was claiming to be accepted by the L.P.T.B. as the negotiating body for the "breakaway" trade unionists. The T.U.C.

¹ See T.U.C. Annual Report, 1946, p. 255.

² See T.U.C. Report, 1946, p. 255.

³ *Ibid.*

⁴ *Ibid.*

approved this attitude, holding that the contrary would expose the whole Trade Union Movement to conflicting policies, irresponsible bodies, and consequent discredit.

Lord Dukeston stressed this Trade Union point of view in the House of Lords.¹ "We are," he said, "living in a world of balances, and unless we get a balanced position in industry, we shall see this matter fought out in a manner inimical to the interests of the State. I am sure no one wants to see anarchic elements in the Trade Union side any more than on the employers' side."

No Trade Union has an absolute right of recognition in any one industry. That is laid down by the T.U.C. constitution. Unlike the A.F. of L. in the U.S.A., the T.U.C. refuses to say that one class of worker must go into any particular Union, while another class must go into some other. There are in the transport industry upwards of forty Unions, and in the Railway National Shopmen's Council (which represents the Unions and management) there are some thirty-two Unions. In many industries three or four Unions operate. On the other hand, the Railway Act of 1921² gave statutory recognition to certain specified Unions as regards representation on the Wages Boards set up by the Act—the N.U.R., A.S.L.E. & F., and R.C.A.

In the case of non-Unionists, the T.U.C. admits the principle of every individual having the right to decide whether he wants to join any Trade Union, just as he is free to work for whom he chooses. The T.U.C., however, add an important qualification. "A Union," it says, "which has the responsibility of maintaining fair wages and working conditions, must also have the right to

¹ See *Hansard*, 25th June, 1947.

² See T.U.C. Annual Report, 1946, p. 257.

determine, according to the circumstances in the particular case, whether or not it is wise or safe to tolerate non-Unionism and thereby permit the presence of actual or potential 'blacklegs' in industries where Union rates and conditions have been established." Much controversy, however, still surrounds this proposition.

CHAPTER FIFTEEN

THE WAR AND THE TRADE UNIONS

THE WAR increased the influence of the Trade Union Movement considerably. In some respects it modified the normal functions and powers of the Trade Unions, as for instance in the case of calling a strike, but their activities were multiplied enormously. There was hardly any aspect of the national effort in the organisation of the war that the Unions were not identified with actively and decisively.

The first step taken by the Unions on the outbreak of hostilities was to gear its entire machinery to the demands of the emergency of war. An immense change in the character and conditions of work of many of its members was immediately inevitable if the urgent need for munitions and war equipment was to be met. Problems such as the location of labour and industry, agriculture, housing, dilution and direction of labour, were at once to be solved. They all involved great complications and readjustment of labour and production. Man-power had to be mobilised so as to secure complete concentration of effort, loyalty and discipline throughout the entire organisation of industry. It was a gigantic task, and without the full co-operation of the Trade Union Movement and its leaders, could not have been accomplished. At the Trades Union Congress at Southport in 1940, while the ranks of

the workers were being rallied and re-deployed for war work, Lord (then Sir Walter) Citrine, in an emergency resolution, recalled that the Trade Union Movement had declared, and again affirmed, "its inflexible resolve to go on with the struggle against the aggressor powers which have entered into an alliance to destroy the foundations of liberty and the democratic way of life throughout the world".

The decisive part that the Unions were to play in the greatest crisis of our history was foreshadowed by the step Mr. Neville Chamberlain, then Prime Minister, took in the first days of the war. On 5th October, 1939, he had an important interview with the members of the General Council of the T.U.C. The upshot of this was that he gave instructions to all the Ministries that there was to be consultation with the General Council on all matters affecting Trade Union members.

When Mr. Churchill took office on 11th May, 1940, and formed his historic Coalition Government, he re-affirmed the instructions given by Mr. Chamberlain to the Ministries. This close association between the administration and the Trade Union Movement was abundantly justified by events.

The T.U.C. had two duties to perform. The paramount one was to see that, so far as the Movement could bring its organisation and authority to bear, everything physically possible was done to prosecute the war and make sure of victory. Its other concern was to preserve the rights of the Trade Union and their members and such a degree of self-government and democracy for industry as was consistent with the national emergency and the intensive conduct of the war.

When the Coalition Government took office on 11th

May, 1940, Ernest Bevin became Minister of Labour and National Service. His position in the Trade Union Movement was outstanding. He probably had more individual influence among Trade Unionists than any other single leader. His record as an organiser in the industrial field was incomparable. His political prestige in the Labour Party was considerable, and had been for years. His appointment to the Government was universally acclaimed. He became indeed, as he was described in terms, "the man who mobilised his country".

The deployment of manpower, both in the field of industry and of battle, was the administration's immediate problem. A policy of control of employment was imperative, and the Unions agreed with the Government that a bill should be passed to stop employers advertising for labour or recruiting it otherwise than through employment exchanges.

To help this policy, the Government made an important modification in the joint machinery normally used by both sides of industry—it replaced the National Joint Advisory Council by a Joint Consultative Council. The N.J.A.C. had only recently been formed—in May, 1939, as a central committee representing all industries where joint negotiating machinery was used by the employers and their workers' representatives to negotiate all questions arising between the two interests. The Trade Unions and the B.E.C.¹ were both represented on this committee. Mr. Bevin, on his appointment, saw the need for swift decision in matters affecting industry, and that this was only possible with a smaller committee than the N.J.A.C., with upwards of thirty members. He put this to the General Council and the B.E.C., who agreed. Accordingly

¹ British Employers' Confederation.

a reduced committee of seven from each side was appointed as a Joint Consultative Committee. The N.J.A.C., however, continued in being and met occasionally. Both bodies are still functioning.¹

At an early date the General Council raised the question of war inflation of prices. It said that the Trade Union Movement did not want a recurrence of the 1914-18 inflation. As an antidote it pressed for the greatest practical extension of rationing, with rigid control of prices and profits.

In regard to National Savings, the General Council proposed an appeal to the people to save to the utmost capacity and buy Government securities. It offered to support strongly voluntary savings, provided the latter were not considered in any wage negotiations or in computing allowances under the means test. It asked all affiliated Unions to appeal to their members to co-operate to the utmost with the National Savings Committee, and appointed representatives to act in a liaison capacity with the committee. Later, Union representatives were appointed to the committee itself.

The problems of wages and disputes in industry had to be considered. Lord (then Sir John) Simon, the Chancellor of the Exchequer, addressed the N.J.A.C. on the question of restricting wages, but the General Council expressed the view that "the influencing of wage negotiations was impracticable and undesirable".²

The first meeting of the Joint Consultative Committee dealt with the problem of removing wage problems from the field of controversy. Ernest Bevin, as Minister of Labour, asked the J.C.C. for advice as to how this should

¹ See Chapter 5, p. 52, and M.O.L. Report, 1939-46, p. 318. The N.J.A.C. was reconstituted in July 1946.

² A policy recently reaffirmed by the T.U.C.

be dealt with. The advice tendered was that: (1) there should be no stoppage of work owing to trade disputes; (2) existing negotiation machinery as to wages and conditions should continue, and that, on failure to settle in that way, the matter was to be decided by arbitration binding on both sides—and no strike or lock-out was to take place; (3) a National Arbitration Tribunal to be set up; and (4) the Minister to take powers to make these arrangements binding on all employers and workers, other than in the cases of Trade Boards, Agricultural and Road Haulage, which were covered by statutory wage-fixing machinery.

The Control of Employment and National Arbitration Order consequently followed.¹

To meet the severe dislocation caused by the diversion of raw materials to the war industries and the enormous expansion of the industries producing munitions and war equipment, a Labour Supply Board was established, whose function was to secure the fullest use of manpower. Two of the four members of the Board represented the Trade Union Movement—Mr. J. C. Little of the A.E.U., and Mr. R. Coppock of the National Federation of Building Trade Operatives. The Trade Unions were also active in the area and district machinery of labour supply which was set up, and on the local panels to recruit manpower.

These changes made it desirable to waive various Trade Union practices temporarily. The General Council took steps to protect the restoration of these after the war by having them registered at the local Labour Exchange. In February 1942, the Restoration of Pre-War Trade Practices Act was passed; this obliged employers to restore such trade practices as were departed

¹ As to the effect of this see Chapter 10, p. 107 *et seq.*

from during the war, and to maintain them for eighteen months from the date of the restoration or the end of the war, whichever was later, unless they were waived or modified by agreement with the Unions, and notice was first given to all Unions who were parties to relaxing the practices. In any disputes as to restoration the matters were to be referred to arbitration by a Tribunal set up by the Minister. The Emergency Laws (Industrial Provisions) Act, 1946, Section 8, extended the period of the Act of 1942 until 31st December, 1947. This date, with the agreement of both sides of industry, has now been postponed until 31st December, 1948.¹

In mobilising the nation's manpower, important questions arose as to reservation and deferment from service with the armed forces. A system of block reservation was first put into operation and covered whole trades, instead of deferment being based on the work each man was doing. The Unions' intervention in dealing with this matter resulted in the block system being replaced by the much more preferable system of individual deferment.

There were many other phases of war organisation. Essential Work Orders, Hours of Work, Air-Raid questions, Industrial A.R.P., the National Fire Service, Local Hardship Committees relating to call-up under the Armed Forces Act, 1939, Army Pay and Allowances, a T.U.C. Advisory Committee to the Ministry of Food, Local Food Control, Profiteering, Price Regulation, Canteens, Ministry of Information, B.B.C. Broadcasts, the Red Cross, were some of the vital war activities in which the Trade Union Movement took a prominent and inestimably valuable part.

¹ See Section 5 of Emergency Laws (Transitional Provisions) Act, 1947.

The extension of Trade Union activity was so great and its administrative and financial calls so wide that it became necessary in the early part of the war, by defence regulations,¹ to widen the scope of the Unions' functions so as to enable them to spend part of their funds on public and charitable purposes, including the maintenance of supplies and services essential to the life of the community, demobilisation, resettlement after the end of the war, and other relief necessitated by the war.

In 1941 negotiations between the T.U.C. and B.E.C.² and the Government resulted in the joint agreement as to a new Fair Wages Clause which provided for the payment of recognised rates and conditions to all employees of a Government contractor, who was to be responsible for the same conditions applying to any of his sub-contractors. This ended a long and arduous effort on the part of the Unions for a Wages Clause much more effective than the one embodied in the House of Commons resolution of 9th March, 1939. It was agreed that the new resolution should be submitted to Parliament at the end of the war.³

The problem of production quickly grew. When war broke out no single Ministry existed that was solely responsible for the production of armaments or war equipment. The T.U.C. had been among the voices strongly raised earlier, for a Ministry of Munitions, when the chances of war were hardening. It was in the Cabinet itself where the only concentrated machinery for production of munitions could be found, in the form of a "Production Executive". This was assisted by a Joint

¹ Emergency Powers (Defence) Act, 1939; The Defence (Bodies Corporate and Trade Unions) Regulations, 1940, etc.

² British Employers' Confederation.

³ This was done in October 1946 and approved.

Advisory Committee and Regional Production Boards. The result was not what the situation urgently required, and there was, consequently, a good deal of agitation for some more effective machinery. This led to the creation, in 1941-2, of the Ministry of Production and the appointment of Lord Beaverbrook as the first Minister of Production. He at once appointed a Committee, with Lord (then Sir Walter) Citrine, as chairman, to inquire into the whole production machinery.

Members of the T.U.C. were represented on the Committee, which made important recommendations to secure the speed and expansion so badly needed in this vital war service. Meanwhile, within two weeks of his appointment, Lord Beaverbrook resigned and Mr. Oliver Lyttelton replaced him.

Two other matters had occupied the attention of the Trade Union Movement. First, it realised that emergency conditions required Trade Union machinery to be re-adjusted and strengthened in the interests of greater production for the armed forces, and for the organisation of victory. The support of the Unions was marshalled through Conferences—particularly among the engineering Unions. Workshop and District Committees were formed and a strong continuous link-up was effected from the workshop upwards in the machinery of production. The second related to opening consultations with the Cabinet Secretariat on the question of safeguarding industry in case the country was invaded by Hitler. The country had, in fact, been divided into twelve Defence Regions with a Regional Commissioner in charge of each. He was to take command of the Region if enemy action caused a breakdown of communications with the Central Government. Around each Commissioner was a group of officials

of the various Government Departments and Services, empowered to act in the case of emergency. The T.U.C. placed its machinery at the disposal of each Region so that, in the event of invasion the effective operation of this machinery could be maintained. Representatives of the General Council were appointed to act in the various Defence Regions. These activities were linked up with the Works Committees and the Joint Union District Production Committees and the other representative machinery.

The T.U.C. secured an amendment of the Defence (General) Regulations¹ to give the Minister of Labour greater powers to provide by Order for the supply of labour to undertakings engaged on essential work.

The General Council Advisory Committee to the Ministry of Supply advised the Ministry to institute a National Joint Industrial Council to operate in its establishments. A Conference of Unions concerned was held on 15th May, 1941. The creation of the N.J.I.C. was recommended, and the Council was duly constituted.

The T.U.C. was also invited by the President of the Board of Trade to nominate representatives to sit on the Industrial and Export Council. That body was reformed by the Board of Trade for the purpose of concentrating the industries in the country. A Committee to examine the problems of Retail Trade was also set up and the T.U.C. nominated three members to represent the Trade Union Movement.

The Ministry of Production was now hard at work turning out the materials of war. The T.U.C. was, however, continually pressing for reorganisation of the

¹ Reg. 58A.

Ministry so as to obtain a substantial increase and improvement in urgently needed supplies. The General Council rendered continuous and important services in relation to such local organisations as the District Trade Union Production Committees, and the Joint Production Committees, which had been set up in the factories.

T.U.C. and Union activities in this way and on the innumerable bodies connected with the war, some of which have already been mentioned, went on throughout the entire period of the conflict. To detail all that work would not be possible here. Its volume was immense. It was indispensable and invaluable to the national struggle in defending our way of life against the onslaught of the Nazi menace. Much of what was done and accomplished had to be transacted at great speed and under many heavy difficulties for employer and worker alike. Most of the problems and tasks tackled and mastered were urgent, novel and complex, and what was accomplished with the joint efforts of both sides of industry was little short of a miracle. The Joint Consultative Committee did an enormous amount of work. It provided a continuous channel for joint co-operation by the T.U.C. with organised employers and the Government, and for securing the advice and help of employers' and workers' representatives in mobilising and maximising the strength and will of the whole nation in the terrific struggle.

On problems which particularly affected women, the Minister of Labour had the advice of the Women's Consultative Committee which was appointed by him in 1941 and met regularly. This dealt with the recruiting and registration of women, and the best methods of securing their services for the war effort. The Committee consisted of nine members—three women M.P.s, three women

Trade Unionists, and three members of voluntary organisations under the chairmanship of the Parliamentary Secretary to the Ministry.¹

The T.U.C. in 1943, while still concentrating on the industrial problems of the war, began in Council to map out plans for post-war reconstruction. The General Council prepared an Interim Report for this purpose which was submitted to Congress at Blackpool in 1944. This Report, which dealt with the questions of public control and ownership, prices and living standards, and the maintenance of full employment, was unanimously approved by the Trade Union Movement.

In 1944, military successes on the Continent by all the Allied forces gave hopes of an early and decisive victory. The need to consider questions of demobilisation, reinstatement in civil employment and reconstruction and reconversion, became correspondingly essential.

The Trade Unions had, as Mr. Churchill said, made an outstanding contribution to the war effort. With the war ended, their task was to prepare for the gigantic problems that would face the Movement in the arduous and complex task which peace would inevitably impose.

That task has shown itself to be as immense in its own perplexing problems as those which exercised the statesmanship of its leaders in the war itself.

¹ M.O.L. Report, 1939-46. The Committee was dissolved in October 1945, but was re-appointed to advise the Minister on questions relating to the resettlement of women in civilian life.

PART FOUR

FOUR SPECIAL CATEGORIES

CHAPTER SIXTEEN

THE CIVIL SERVICE

THE Trade Disputes and Trade Union Act, 1946, has restored to the Civil Service the full rights of active Trade Unionism, from which it had been deprived by the earlier Act of 1927.

In 1927 there were some 300,000 civil servants. In 1946 there were at least 750,000.

At the time of the Act of 1927 certain Civil Service organisations were affiliated to the T.U.C. and to other bodies of outside workers. These affiliations were the direct result of decisions made constitutionally by the bodies concerned.

During the General Strike, Civil Service Unions in no instance were asked to call their members on strike, nor did they do so. They confined themselves purely to granting financial assistance by Union and voluntary donations to the strike fund. Furthermore, the constitutions of these particular Unions provided no power to call a strike.

The 1927 Act came as a shock to organised Civil Servants. Thereafter it was impossible for their Unions to function in respect of established staffs unless a certificate of approval from the Registrar of Friendly Societies was obtained. The Registrar would only grant the certificate on first being satisfied that the Civil Service Unions had no political objects and were not affiliated to any outside Trade Union or any body with similar objects.

Affiliation to the T.U.C. and the Labour Party consequently had to end. Association with the National Federation of Professional Workers had also to cease.

The effect of this change on the Civil Service organisations will be better understood by first looking at the earlier history of their development.

For the greater part of the nineteenth century there was little or no organisation of the Civil Service. The reason is not far to seek. Before 1855, entrance to the Civil Service went by favour, and as Lord Palmerston once said of the Order of the Garter, "there was no damned nonsense of merit about it". In a service showing signs of vigorous development this unwholesome condition could not go on. Once the controversy over the Corn Laws was out of the way and mid-Victorian commercial and industrial expansion got going, the old nepotism slumped and competitive examinations for appointment to the departments of the Permanent Civil Service began to oust the system of jobbery which had hitherto flourished in Whitehall.

By 1870 public feeling had hardened firmly against favouritism and what was called "aristocratic sufficiency". Gladstone, on succeeding Palmerston, let the country know that he was inflexibly determined to establish open competition in all avenues leading to Whitehall. It is not surprising, therefore, that during such a period little community of interest existed among civil servants. Moreover, the path of gratitude, following upon favours received, led not to agitation nor discontent but to an expectation of favours still to come. Indeed, any ripple on the placid waters of Whitehall spelt disaster for those who threw the pebble of ingratitude. Thus, when a most humble and respectful petition was presented

to the Postmaster General in 1874 by a large number of postmen asking for improvements in pay, they were told that, "if their present conditions of service were not suitable to them, they were at liberty to seek other employment"; and those who refused to retract abjectly their insubordinate attitude were promptly dismissed.

Although in 1871 Trade Unions were legalised they were not very popular. Civil Service Trade Unionism was, in any case, out of the question until the Trade Union Movement had achieved its major victories. It was the Post Office workers who were the spearhead of the fight that eventually won the battle of Unionism for the Civil Service.

Conditions of service in the Post Office were formerly so bad that those engaged in it were "in a chronic state of turmoil". William Booth, a letter-carrier, in the '70s organised the London carriers in an agitation against the existing conditions. His task called for ingenuity. Airing grievances was not only frowned on but was also likely to incur penal consequences. Booth accordingly hit on a subterfuge. He invited his fellow-carriers to a "lecture" in a small coffee-room off Gunpowder Alley, in Fleet Street. There they made their plans for reform—Sunday work to be abolished, wages to be increased, a better scheme of promotion to be obtained, and so on. Parliament and public were each studiously wooed by these enterprising pioneers in the unionisation of the nation's postal service.

The effort brought its reward. In 1881 the Postal and Telegraph Clerk's Association was formed. That was the first National Civil Service Union.

In 1887 the United Kingdom Postal Clerk's Association followed. In 1890 came the Fawcett (London Sorters) Association, and in 1891 the Postmen's Federation.

Towards the end of the nineteenth century there was federation in the Civil Service. The Federated Council of Government Employees appeared in 1891. Four years later came the United Government Workers' Federation; and then the National Joint Committee of Postal and Telegraph Associations in 1898.

By 1900 the Trade Union was an accepted institution in the Civil Service, and Hansard for the 18th February, 1898, shows that the Government had acknowledged the right and propriety of Civil Servants "to combine in any way they think proper", and that "all the privileges which Trade Unions enjoy . . . are accorded to the Unions of Postal Officials". In 1906 the then Postmaster-General, the Rt. Hon. Sidney Buxton, M.P., conceded to the postal service the fullest right of representation and combination, and this new impetus resulted in further associations being formed. By 1902 there were nine organisations to the credit of this branch of the Civil Service.

In 1911 the Civil Service Federation was formed. That has been described as the turning-point in the organisation of the clerical class. The steady growth in organisation was evident by the fact that by 1914 there were some seventy-three associations.

On the 1st January, 1920, the Union of Post Office Workers was created and absorbed most of the bodies above referred to. Its constituent bodies had resolved that what was needed was an amalgamated Union and not a federation of more or less autonomous associations. The U.P.W. has a membership of 150,000 in what the Post Office calls the "manipulative" grades. The members have, since the amalgamation, greatly improved their basic pay, and also the system of provincial differentiation, by reducing the number of provincial scales.

The U.P.W. is fortunate in its General Secretary, Mr. C. J. Geddes. Considerable work has been done by him and the Union on all-grade wage claims and comprehensive reorganisation of grades and scales of pay. The U.P.W. seeks to promote an efficient Post Office service. It is among the ten largest Unions and plays its full part in the Trade Union Movement of the country.

It is interesting to note that the U.P.W. was the pioneer of the idea of "documentary" films. The first film made by it, in 1924, was about the Union's activities, and recently it produced a "talkie" called *From Pillar to Post*. Most of the actors are Post Office workers doing their normal jobs. Another item of interest is that in September 1947 there was a short strike of postal workers at Weston-super-Mare. It was the first postman's strike in *fifty years*.

In the Admiralty the first step in organising its industrial workers was in 1884 under the Ship Construction Association. By 1901 there were some twenty-eight societies catering for these workers. The Customs and Excise had its Customs Watchers' Federation in 1893, and the personnel of the War Office had set up an organisation before 1900.

The most important clerical and professional Union of the Civil Service is the C.S.C.A.—Civil Service Clerical Association. It was established in 1921 from several smaller bodies and recruited its main strength from the recent re-organisation of the service in 1920. This brought in a new stream of clerical members who had merged with the staff in Whitehall.

There is also the Inland Revenue Staff Federation, Ministry of Labour Staff Association, Ex-Service Civil Servants, the Society of Civil Servants, the Association

of Executive and Other Officers, the Association of Officers of Taxes, the Institution of Professional Civil Servants, and the Civil Service Confederation.

Prior to World War I, the higher grades in the Civil Service had deliberately fought shy of unionisation as something *infra dig* to themselves and a slight to the Government. That attitude received a severe jolt from the economic consequences which followed the end of the war, and the acceptance by the Government of the "Whitley" system for the Civil Service.

The result of this was to usher in what has been described as "the golden age of Civil Service Unionism—golden but brief".

The application of the Whitley Council machinery resulted in all grades being invited to organise for the purpose of collective bargaining and action. This policy was, however, reversed when in 1922 the Government arbitrarily abolished the Civil Service Board of Conciliation and Arbitration. The Board had been established in 1917 by Order in Council to deal with claims for increased wages in cases of civil servants with salaries of less than £500, or whose scales of salary did not rise to £500 or over.

The Government's decision led to defensive action on the part of the Civil Service staff, with the result that after long negotiations between the staff representatives and the Government, the principle of arbitration was accepted.

In 1919 the National Council for the Administrative and Legal Departments of the Civil Service was formed. This was followed by the formation of departmental Whitley Councils and office committees. The scope of these extends to all civil servants not covered by the

joint bodies for the Government industrial establishments. Its objects are to secure the greatest measure of co-operation between the State and the general body of civil servants, so as to increase efficiency in public service and secure the well-being of those employed. It also provides machinery for dealing with grievances.

The joint council set up in the Civil Service under the Whitley system does not replace the machinery of negotiation or industrial action which existed in the service before 1918 (when Whitley Councils were set up). Ordinarily, however, the Civil Service National Whitley Council (staff grade) takes official care of the claims and rights of the service.

Every member has the right of free access to the permanent head of his department, to the Treasury and the political chiefs. The staffs are also entitled to be affiliated to the T.U.C. or to any political party. Apart from the 1926 Trades Dispute Act (now repealed), none of these rights have been interfered with by the Whitley Council's system.

When the General Strike came, a number of Civil Service organisations were affiliated to the T.U.C. and the Labour Party—the C.S.C.A., the Inland Revenue Staff Federation, and the Post Office Workers.

The Civil Service Unions took no part in the strike. They kept strictly to their duties, and were not asked by their Unions or the T.U.C. to do otherwise. The effect of Section 5 of the Act of 1927 made it, however, necessary for these Unions to disaffiliate from industrial or political bodies, and prohibited them from having any political objects or using political means to bring any pressure upon the Government. They had, therefore, to leave the T.U.C. and the Labour Party, and also cease all

connection with any international, industrial or political activity.

In support of Section 5, it was said to be undesirable that Civil Servants should be closely associated with particular political parties; that they needed to be impartial to discharge their duties and to advise ministers; and that they owed an unquestioned and undivided loyalty to the Government.

The answer of the Civil Service Unions was that, regardless of whether they had political objects or not, individual Civil Servants had and, "outside a totalitarian State, will retain their right to hold their own political point of view". They illustrated their point by submitting that "it would be ludicrous to suggest that a postman or the clerk . . . can possibly be diverted from the faithful discharge of the function which he has to perform because, in his economic interests, his Trade Union has endeavoured to secure the election to Parliament of persons particularly qualified to look after his economic interests in a place which is his final court of appeal in these matters".

Moreover, they contended that experience had shown that changes in wages and conditions outside the Civil Service, influence the State in its negotiations with the service Unions, and that they were, in that respect, heavily handicapped by being compelled to remain isolated from other associations of workers and also by being prevented from using the means of effectively performing the task of protecting the working conditions and economic interests of their members.

The Civil Rights Committee of the Civil Service National Whitley Council (staff side), representing some 500,000 civil servants of most grades with the aid of the

T.U.C., endeavoured during the war to bring the issue raised by Section 5 of the Act of 1927 to a satisfactory conclusion. Protagonists in these efforts were the leading Civil Service Unions¹ and their leaders. Negotiations took place between them and Mr. Winston Churchill, then Prime Minister. This failed and the Unions then took steps to bring the issue prominently before the electorate at the 1945 General Election.

On the accession to power of the present Labour Government, an early occasion was taken to repeal the Act of 1927.² On this being effected the Civil Service Unions³ returned to the T.U.C., and many of them resumed their affiliation to the Labour Party after an absence of almost nineteen years. They were, pending a review of Congress grouping and representation generally, placed in a special group for Civil Servants and accorded a seat on the General Council.

Apropos of this question of special categories of workers or staff, questions of organisational interest have arisen from the transfer of certain industries to public ownership. For example, problems of demarcation between the various Unions have had to be negotiated between them and the T.U.C.

In the National Coal Board (which is, of course, not a Government department, nor are its employees civil servants) the present position is that the National Union of Mineworkers represent the employees of the Coal Board other than those who are members of the Clerical and Administrative Workers' Union, which is responsible for the organisation of clerical and clerical-administrative

¹ The C.S.C.A., the Inland Revenue Staff Federation, the Post Office Engineering Union, and the U.P.W.

² See Chapter 4, p. 37 *et seq.*

³ By ballot of members approved by a big majority.

workers employed at the H.Q. of the Coal Board, while the National Association of Supervisory and Clerical Staffs represents the clerical workers employed in the divisional offices of the Board. Disputes have arisen between the various Unions concerned, and the T.U.C. has attempted a settlement of the matter. This, however, has not so far succeeded, although Congress, by a large majority, supported the proposals of the N.U.M. Originally twelve Unions were interested in organising workers employed in the coalmining industry. All, except the above two, agreed to the N.U.M. proposal for one Union to represent the whole industry.¹

The nationalisation of the Electricity Supply Industry has raised a similar problem. N.A.L.G.O., which is not affiliated to Congress (although associated with it through the National Advisory Committee for Local Government Service), was the Union which catered for local authorities with undertakings of their own. Questions of demarcation have also arisen here between various Unions. County Agricultural Executive Committees and other bodies of a similar nature provide employment. In these cases the allocation of appropriate Unions has also to be decided by the T.U.C.

Finally, in the case of the Civil Air Transport, recently nationalised, and which works through three Corporations,² a National Joint Council has been set up on which the Corporation and the Employees' Trade Unions are represented. There are ten Trade Unions party to the

¹ An example of an agreement respecting dual membership is the recent agreement of 13th January, 1948, between the Amalgamated Union of Building Trade Workers and the N.U.M. This cover questions of membership, wages negotiations and settling any matters affecting the two Unions.

² The British Overseas Airways Corporation, the British European Airways Corporation, the British South American Airways Corporation.

employees' side.¹ The Council's object is to secure the largest measure of joint action, maintain good conditions in Civil Air Transport, and promote the best interests of all concerned. The Council works through Sectional Joint Panels for the various groups of employees. Each Joint Sectional Panel has plenary powers to negotiate and settle terms and conditions of employment of peculiar interest to the group covered by the Sectional Panel. If a Sectional Panel fails to reach agreement, the matter in dispute is settled by a Conciliation Committee appointed by the Council. Failing a settlement by this means, the matter is referred at the request of either side to the Industrial Court, whose decision is final and binding on the parties.

¹ British Air-Line Pilot's Association, Association of Supervisory Staffs, Executives and Technicians, Association of Engineering and Shipbuilding Draughtsmen, Radio Officers' Union, Electrical Trade Union, Amalgamated Society of Woodworkers, National Association of Clerks and Supervisory Staffs, Clerical and Administrative Workers' Union, and the Navigating and Engineer Officers' Union.

CHAPTER SEVENTEEN

THE POLICE

NO ONE serving in the Police Force can be a member of a Trade Union, or, with one exception, of any association which seeks to control or influence the conditions of pay, service or pensions relating to the Force. That is expressly laid down by the Police Act of 1919. The exception is the organisation known as the " Police Federation ".¹

If anyone in the Force joins a prohibited Trade Union or Association, he or she *ipso facto* becomes disqualified from continuing to be a member of the Force. If any attempt is made to act after becoming disqualified, all pension rights are forfeited as well as the capability of ever again being employed in the Force.²

Behind this prohibition lies the story of the attempt which was made in 1913 to form a Police Trade Union, and the struggle thereafter to maintain it and secure official recognition.

The action of the Police was strongly reprovved and resisted by the Government. The Chiefs of Police also regarded the idea of the Police joining the Trade Union Movement as completely incompatible with the whole conception on which the Police Force was founded, and to its relationship to the State and service to the community.

The existence of Police Forces is comparatively modern. Until 1829 there was no distinct body of Police either in London or in the provinces, and when the country was faced with situations of public disorder, such as the Wilkes

¹ Set up by sec. 1 (i) of the Police Act, 1919. ² The Police Act, 1919.

and Gordon riots in the eighteenth century, the only organised force which could be called upon was the military. Apart from that the authorities had to look to "the old watchman with his rattle, and Police Magistrate Fielding's Bow Street runners, fit but few."¹ In the Gordon riots in 1780, extensive acts of arson were committed and London was well ablaze before the troops were called out. This event provided such a melancholy example of the utter lack of protection of life and property, that in the confusion which arose the people of the Metropolis witnessed the amazing spectacle of bands of highwaymen, freely and impudently plying their lawless activities along the roads leading to the world's greatest capital.

The practical sense of civil liberty in Britain protested against being left to the dubious care of notoriously "drunken and decrepit watchmen and scoundrel thief-takers—companions and confederates of the thieves".² Neither did they regard "troops" nor highwaymen as necessary features of their civic life. They wanted civic protection by a civic force.

It was not, however, until 1829 that Sir Robert Peel, then Home Secretary, had the courage to establish in England the body of men who have since become our now deservedly celebrated civilian Police Force. The Metropolitan Civilian Police came first. By 1856 this civilian Police Force was to be seen on its beat all over the country, smartly dressed in civilian blue, with good "stout top-hats" upon their heads. In parenthesis, it is interesting to recall that this innovation in civic policing was actually, in part, modelled on Peel's own earlier experiment in 1814, in founding the Irish Constabulary.

¹*History of England*, G. M. Trevelyan, p. 525-6.

² Erskine May's *Constitutional History*, Vol. III, p. 403.

It was, in fact, in Ireland, and not in London, that the nicknames "Bobby" and "Peeler", given to the Police, were first invented.

The principal job of this civilian body of men was to protect the life and property of the citizen from the law-breaker. They were not long in proving their worth, for their first major encounter appears to have been in putting down the Reform Bill riots in London in 1832—"and," as one historian laconically observes, "admirably it was performed."

The number of Police Forces grew as industry increased and spread, and the population followed suit.

Industrial agitation for improved conditions, whilst it often called for the services of the Police to prevent or meet the use of force, had its reactions on the Police themselves. They eventually decided to organise and join the Trade Union Movement in order to promote the interests of their own conditions.

Accordingly, in 1913 the National Union of Police and Prison Officers was founded. It still has a nominal existence. The present general secretary of the Union is Mr. H. E. Goodrich, M.P., who was himself formerly a member of the Police Force.

The event raised the most stringent opposition from the powers-that-be. For six years the triangular struggle between the representatives of the Police, Whitehall and Westminster endured. Meanwhile, in 1917, the Union was reorganised. The men in the Force claimed that ever since the inception of the "Force", legitimate complaints had gone unremedied, and that discipline had been tightened unjustly. Agitations had, in fact, been going on for some years before 1913 through Police journals, in the parade sheds and elsewhere, for what they described as "the right to confer". Authority adamantly refused

permission to the men to exercise this right on the ground that "it was against the best interests of discipline".

The men in consequence began to hold secret meetings. The storm broke in August 1918. Many men were dismissed from the Force. Others were heavily fined for continuing to belong to the Police Union.

The whole of London's Police then rose as one man and demanded recognition of their Union—the entire Force of the Metropolis went on strike. The men's grievances were admittedly well-founded. The Prime Minister, Mr. Lloyd George, promised that these complaints would be remedied. Police pay was improved, but the Government firmly refused to recognise the Police Unions "during the war". Many administrative reforms, however, followed and an official Police Representative Board was set up on which the men were given direct access to the authorities to deal with grievances.

Within a short time after that the men represented that this promise was not being carried out. A committee to investigate the position was, therefore, set up consisting of members of both Houses with Lord Desborough as its chairman. Its terms of reference were to inquire into pay, pensions, conditions of service, and the recruiting methods of the Police Forces of the country. As a matter of historical record, it should be stated that the evidence supported the Police case that their pay was inadequate. There was undoubtedly a good deal of distress among Police and their families. In Gilbertian phrase, the policeman's lot was not a happy one. Increases were promised, but another Police strike occurred in August 1919, before concessions in the form of substantial increases of pay were secured.

The Representative Boards, which the men had earlier accepted as a tentative scheme pending the termination

of the war, entitled the Police to hold elections for the purpose of appointing committees at police stations and executive committees for each Force. The method worked in London. In the provinces it widely broke down. Difficulties, however, later arose in London, and in the end the men, rightly or wrongly, regarded the Boards as consisting of members virtually elected by the Commissioner of Police.

Serious trouble also arose in the case of P.C. Spackman. He had advised the men, at a little station called "Harefield", in Middlesex, to take no action to elect a representative under the new constitution of the Board proposed by the Commissioner. The same advice was given at Police premises all over London.

Spackman was taken to book by the authorities and eventually dismissed the Service. A demonstration followed in Trafalgar Square. The whole Force was in a state of ferment. The Commissioner offered to reinstate Spackman if he renounced the Union. Spackman refused. A ballot was, in consequence, taken by the Police Union on the question of whether the men should strike in order to demand Spackman's reinstatement. 44,339 voted for a strike; 4,324 against it.

On a promise of increased pay being given, strike action was suspended pending an investigation by the Prime Minister of the two questions of recognition of the Union, and Spackman's dismissal.

What in fact happened was the immediate introduction by the Government of a Police Bill which became an Act shortly afterwards.¹

That completely vetoed Trade Unionism in the Police Service and, at the same time, set up a "Police Federation"

¹ The Police Act, 1919.

It was thereupon decided by the Union to give effect to the ballot vote previously taken. A strike was declared on the 31st July, 1919. The London Police alone answered the Union's call. The consequence of that was inevitable—the Police Union was broken.

Time has helped to eradicate the bitter feelings these events left behind them. A large number of those who were affected by dismissal or other disciplinary action had many years of loyal and exemplary service in the Force to their credit. The principle at issue was one of great difficulty, having implications which made it a constitutional question as to whether the Police could conceivably become a part of the Trade Union Movement. Whether they could range themselves as a body on one side or another in industrial and political questions, and exercise all the rights and powers necessarily implicit in Trade Union membership. A police constable, when acting as such, is an officer of the Crown and a public servant.¹ He is not even the servant of the borough or county in which he acts. "He is a servant of the State, a ministerial officer of the central power, though subject, in some respects, to local supervision and local regulation."² His oath of office declares he will faithfully discharge his duties as a constable for the preservation and enforcement of law. The powers conferred on him by statute and common law "are exercised by him by virtue of his office and cannot be exercised on the responsibility of any person but himself".³ His duties are essentially of

¹ Halsbury's *Laws of England*, Hailsham Edition, Vol. XXV, p. 322.

² *Fisher v. Oldham Corporation* (1930), 2 K.B. 364, per McCardie J. at p. 371. The Home Secretary now has power under the Police Act, 1946, to make schemes for the amalgamation of County and County Borough Police Forces. The Act also abolished non-county borough Police Forces.

³ *Fisher v. Oldham Corporation* (*supra*), citing Griffith C. J. in *Everer v. The King* (1906), 3 Commonwealth L.R. 969 at p. 977.

a public nature and they come down from very early times, when the sheriff was under the bounden duty of raising a "hue and cry", and of calling out the posse comitatus of the county. It was plain that these facts raised problems not easy to solve.

The claim which had been made, that the Police were entitled to an organisation to promote their interests, was intended to be met by the creation of the Police Federation set up under the Act of 1919.

Under progressively liberalising administrations the welfare of the Force, in which both men and women now serve, has become increasingly administratively provided for and their interests protected. The efforts of past years have, in that way, not been lost.

Under the policy pursued by most Home Secretaries in recent years, and particularly under the progressive administration of the present Home Secretary, the Rt. Hon. J. Chuter Ede, M.P., the Police Federation seeks to provide for the interests of the Police Force, and to create a medium through which all Police complaints can be ventilated and all justifiable grievances remedied.

Through this channel the Police Forces of England and Wales may bring to the notice of the Home Office and Police authorities all matters affecting their welfare and efficiency. The only questions excluded are those concerning discipline and promotion. These are matters which rest entirely with the Home Secretary.

The Police Federation, which in some respects is analogous to the Whitley system, consists of all serving members of the Police Forces in England and Wales below the rank of superintendent. The members of each Police Force below that rank form themselves into a branch of the Federation. In the Metropolis, membership

is limited to officers of the rank of inspector, sergeant and constable, excluding, however, a chief subdivisional station or junior inspector.

Branch Boards for constables, sergeants and inspectors exist in each Police Force, who respectively elect annually a delegate to a Central Conference. The Conference itself elects a Central Committee consisting of six members selected equally from the London, County and non-County Borough Police Forces, by secret ballot.

The Central Committee is the body which makes such submissions as it thinks proper to the Home Secretary in writing. If the case reasonably requires it, the Home Secretary gives them a personal hearing, so as to enable them to place before him all the facts and materials they desire him to take into consideration on any particular matter.

Police Councils may also be held in which the Central Committee and representatives of Police authorities, chief officers of Police and superintendents meet together under the chairmanship of the Home Secretary or his representative.

Moreover, Branch Boards may make representation not only to the Police authority or Police chiefs but also direct to the Home Secretary himself.

In the course of time the scope of the Police Federation has broadened in its function and extended in its influence.¹

To-day the Police stand high in the public esteem. Their invaluable and devoted services in time of war, as well as in time of peace, have made the British Police Force an object of pride both at home and abroad.

¹ The Home Secretary has recently appointed a Committee with Lord Oaksey as Chairman, to consider and report on the pay, emoluments, pensions, promotion, methods of representation and negotiation and other conditions of service.

CHAPTER EIGHTEEN

WOMEN IN TRADE UNIONS

WOMEN have played an active part in Trade Unionism since its earliest days. In 1788 there already existed an unofficial society or union of hand-spinners called the "Sisterhood". The fact that women were engaged on industrial handicrafts long before the appearance of the first factories, is testified by the old hand-loom with which whole families in their homes plied their craft. Their incomparable skill, in the art of spinning and weaving, had been handed down for generations.

When the factory system came, and with it the marvels of mechanical invention under the driving force of water and steam power, the workshop and machine inevitably changed places with the home and the hand-loom. The women were up in arms at this drastic turn of events. They vehemently believed their "ancient employment" as spinners and weavers was about to be taken from them—employment which they regarded as "so full of domestic comfort and so favourable to a religious life". The "Sisterhood", however, did not take a quiet or spiritual view of what was being done—they replied by inciting their menfolk to riot.

In passing, it is interesting to note that it was from the occupation of spinning (so old that its origin is lost in history) that single women derived the description of "spinster".

Whatever the changes this revolution in industry

brought, it was not to diminish, but greatly to increase, female employment. Women, children and men were everywhere transferred from their homes to the new industrial workshops. Industry began to expand rapidly. Great development of machinery increased the capacity for production and the field of employment. The result was to multiply enormously the number of men, women and children entering industrial work. This correspondingly meant that the need for collective action had become greater.

The fact that large numbers of wage-earners of both sexes were brought together in offices and factories led to a new appraisal of the position of women generally. The spread of industrialism greatly strengthened the movement for greater facilities for education, and for generally humanising the conditions of the workers. In the case of women workers the claim was grotesquely overdue. Education for them had up to then practically not existed. They were regarded as chattels, and under the law a married woman had little or no separate existence from her husband, to whom she and her property completely belonged. The new conception in this spread of industrialism was in due course to make women equal to men not only in the field of education, but in the family and under the law—finally to lead to their political equality.

Meanwhile the movement of collective action among women workers had, at all events by 1811, become sufficiently strong for them to hold meetings and organise to improve their working conditions. So much so that it shocked the clergyman-magistrate at that time presiding at the police court at Loughborough, where a number of women workers had been summoned for these activities, into a passionate disapproval of the “ . . . spirit

of combination to dictate to their employers and to raise the price of their wages",¹ which was then widely manifest. Their courage was not to be defeated, although difficulties beset them on all sides.

Even the men refused to help them and were often openly unfriendly to these activities. Men undoubtedly at that time feared female competition.

By 1833, however, the picture underwent a striking change. Female lodges began to emerge from the National Trade Unions which were then forming. Prominently among these off-shoots were such societies as the "Ancient Virgins", "Female Gardeners", and "Female Tailors". Women workers had, however, still to face the fact that men definitely regarded them as the cause of unfair competition and a danger to them in the labour market.

It was actually not until 1874 that women in this country made a real impact on the Trade Union Movement. In that year the famous Women's Trade Union League was formed. Its founder was Mrs. Emma Paterson, who was born in 1848 in St. George's parish, Westminster.

This frail but courageous woman set herself the formidable task of making a determined onset against the shocking conditions of underpayment of women workers and their industrial exploitation which was the real cause of their danger industrially to their male fellow-workers. Trade Unions showed little or no desire to have these women workers as members, or to help them in their fight for better conditions. The only alternative was to organise the women separately and to establish Unions of their own. In this arduous and great enterprise the indomitable feminist spirit of Mrs. Paterson in the end triumphed. The Women's Trade Union League was

¹ *The Town Labourer*, J. L. & B. Hammond, p. 262.

born. The bookbinding, needle, upholstering and weaving trades were organised and unionised. So successful was the effort, that within two years the League had its representatives at the Trades Union Congress. What is more, the men's Unions eventually, seeing that their own interests were involved in bettering those of the women, came at last to the aid of their sister "fellow" workers. Emma Paterson only lived to the age of thirty-eight, but she saw her great work firmly established. She was succeeded by a talented and influential woman, Lady Dilke, the wife of the well-known Sir Charles Dilke, both of whom helped greatly to advance the cause of women workers.

Public attention was forcibly focused on to the position of women in industry by the report of a House of Commons Committee, in 1890, on "sweated labour", which exposed the miserable wages paid to these workers—wages barely sufficient to keep body and soul together, for work that was more akin to slavery than employment. Women Trade Unionists were amongst those actively crusading on behalf of these sweated victims, and a demand was made for Wage Boards to be set up to put an end to the vicious system of underpayment. The chief difficulty was to stir up public opinion.

An exhibition of sweated labour was held in 1906. That helped considerably as propaganda. At the same time the Trade Unions as a whole took up the cudgels on behalf of the sweated workers. They demanded a minimum wage and Trade Boards. The General Election of 1906, in which Trade Unionists were active everywhere for the repeal of the Taff Vale decision and industrial reforms, resulted in an effective Parliamentary Labour group being sent to the House of Commons. Strong representations,

from the group and the Unions, led to a Select Committee being appointed to examine the whole question of "sweating". It recommended the setting up of Trade Boards, with power to fix rates of pay enforceable by inspectors appointed by the Government. In 1909 that recommendation was given effect to by Act of Parliament.¹

The number of women Trade Unionists had grown. By 1906, there were some 167,000, the larger part of which was recruited from the textile industries. These were very poorly paid and greatly handicapped in their effort to join a Union. As a result the going for the women organisers had, for some years, been extremely heavy. Then, in 1903, Mary Macarthur came on the scene. She transformed the whole outlook for the League. She came at the age of twenty-three with "a fire in her eye, and a quality in her brain that was remarkable".² To-day she is a legend to both men and women Trade Unionists. Her name stands with Margaret Bondfield and Gertrude Tuckwell as the triumvirate who, against all imaginable difficulties and set-backs, made the Women's Trade Union League a power to reckon with in the industrial struggle, and a potent factor in the history of British Trade Unionism. Margaret Bondfield ultimately became the first woman to be chairman of the T.U.C., and later to attain Cabinet rank.³ Her position in the organisation of women in the Trade Unions was described by Beatrice Webb as "... the axle round which the machine moved".

¹ The Trade Board Act, 1909, extended in 1918 and now repealed and replaced by the Wages Councils Act, 1945.

² *Women at Work*, Mary Agnes Hamilton, p. 59.

³ Actually Miss Bondfield was Chairman of the General Council for a few months in 1923 and was not Chairman of Congress itself, because in February 1924 she resigned on her appointment as Parliamentary Secretary to the Ministry of Labour. Miss Bondfield was recently made a Companion of Honour.

Gertrude Tuckwell looked upon Mary Macarthur and Margaret Bondfield as "stars for which it was her privilege to provide the firmament".¹ Her own work for the League was tireless and selfless. Nothing could daunt her. Failure was not a word in her vocabulary. She had the faith that never falters, and her name is indelibly inscribed on the imperishable tablets of the Trade Union Movement.

An attempt was made by a number of employers to circumvent the provisions of the Trade Boards Act of 1909. During the six months before the Act was to come into operation, they accumulated large stocks so as to be able later to dispense with workers, and also induced their workers, as an alternative to being refused work, to contract out of the rates provided by the Act. At Cradley Heath in the Black Country, Mary Macarthur called all the women workers who had been offered these reduced rates out on strike. The strike lasted ten weeks, but Mary Macarthur and her women won the day, backed by the whole Trade Union Movement. Cradley Heath is celebrated in Trade Union history because, had that fight been lost, Trade Boards would have been lost with it.

Women workers, overjoyed at their victory, rallied to the Unions.

Meanwhile the League had been followed by a very much larger organisation, the National Federation of Women Workers founded in 1906. Women were now taking an active share in the onward struggle of the Movement. The whole situation as regards themselves and the men's Unions had become completely transformed. Women who were formerly cold-shouldered by these Unions were now eagerly sought as members. Most

¹ *Women at Work*, Mary Agnes Hamilton, p. 63.

Unions were openly campaigning to receive women members—and on equal terms. To-day, women are to be found in almost every industry and in most Trade Unions.

Women played a great and heroic part in the First as they did in the Second World War—in their tens of thousands, from all ranks and organisations, and of all ages. In the first war the National Federation of Women Workers and the Women's Trade Union League did outstanding work in organising women for the war effort. Difficulties and agitations, however, arose on the question of women's wages and working conditions. Arbitration machinery on behalf of women workers was repeatedly asked for by their representatives, and a Joint Committee on women's wages was eventually established. Among the outstanding women at this time were Margaret Bondfield, Gertrude Tuckwell, Susan Lawrence and Marion Phillips, in whose hands the just claims of women workers were, in almost all cases, satisfied.

The 1914–18 war gave a tremendous fillip to Women's Trade Union membership. The Federation, the League and the General Labour Unions all received large increases.

In 1920 the Federation was absorbed by the General and Municipal Workers' Union, and women received two seats on the General Council of the T.U.C. The need for the Women's Trade Union League had now also terminated and it was duly wound up in 1921.

Since then sex segregation or demarcation in the Unions has gone. With a few exceptions, nowadays men and women workers find a common identity of industrial and Trade Union interests. The Unions and the T.U.C. provide special machinery necessary to deal with industrial matters relating specially to women and children. In the

forefront of this is the National Women's Advisory Committee. It contains five members of the General Council—two women and three men, and five women Trade Unionists representing the Trade Unions. The chairman is Dame Anne Loughlin, O.B.E., a former T.U.C. chairman and a member of the T.U.C. General Council. There is also an Annual Conference of women delegates from Unions catering for women workers, often referred to as the "Women's T.U.C." This Conference of women Trade Union representatives deals with all questions of organisation, employment, wages, welfare conditions and Trade Union recruitment affecting women and young children.

Other Trade Union bodies looking after the interests of women are the Statutory Joint Committee of Working Women's Organisation; Factory and Welfare Advisory Board; Committee on Welfare of Women and Young Children; National Advisory Committee; National Association of Citizen's Clubs (formerly War Workers' Clubs); Rest Breaks National Advisory Committee; Women's Group on Public Welfare, and the Women's Voluntary Services Advisory Council.¹

Local Advisory Committees attached to the local Trades Councils and Unions keep in close touch with the districts and see to the arranging of local activities. Women also sit as representatives on local Factory and Welfare Advisory Boards, and are active in all walks where the wellbeing of women and children are concerned.

Week-end and other schools are arranged by the T.U.C., the National Women's Advisory Council and the

¹ There is also a Women's Joint Consultative Committee appointed by the Minister of Labour which advises him on questions affecting the re-settlement of women in civilian life.

Unions catering for women Trade Unionists, at which lectures are given to the students.

A further advance in the impact of women on the structure and direction of the post-war world was the intimation, in 1946, from the Foreign Office to the T.U.C., that the question of women being admitted to the diplomatic and consular services was under consideration—and asking the T.U.C. to submit evidence and its views on the matter. This is now being dealt with, on behalf of the T.U.C., by the National Women's Advisory Committee.

On the question of "equal pay for equal work", the Unions stand foursquare in the demand for its materialisation. At the recent Royal Commission on equal pay, the General Council appointed leading men and women Trade Unionists as T.U.C. witnesses to submit evidence to the Commission.

It is in fact sixty years since the T.U.C. resolved that "... where women do the same work as men they shall receive equal pay". That rule in fact applies in the cotton industry.

The Royal Commission was not asked to make recommendations. Its task was to examine the relationship of pay as between men and women in the public service, industry and other fields of employment; and its social, economic and financial implications.

All parties are now in favour of the principle of the rate for the job.

The then Chancellor of the Exchequer (Mr. Hugh Dalton) himself acknowledged the claim of women to equal pay but pointed out, in the House of Commons on the 11th June, 1947, the Government's difficulty in implementing it at the present time. "In making proposals

to Parliament," he said, "for incurring additional expenditure and for extending the social services, the Government must be the judge of priorities." He estimated the cost of equal pay in the public services alone at £24 million a year. The cost for teachers would reach a further £6 million a year. Under the National Health Service Act, nurses would come under Exchequer liability and equal pay would mean £6 to £7 million more. That may be the logic of arithmetic, but it does not somehow square with the logic of principle. The war has enhanced the need for women in industry. The general overall shortage of manpower made imperative an increase of women workers in industry. No less than 300,000 vacancies for women were outstanding at employment exchanges in September 1947.

In 1921 the number of women and girls employed in industry was just over 5 millions. In 1931 it was more than 6 millions, of whom 75 per cent were unmarried. Mid-1939 there were over 4½ million women in industry. Mid-1943 the peak figure was nearly 6¾ millions. 1944 and 1945 dropped by ½ and ¼ million respectively. After the war the number declined further. At the end of 1946 it was just over 5½ millions and practically the same figure at the end of August, 1947.¹

A striking example of how the number of women working leaped during the war is provided by ship-building and ship repairing. In mid-1939 there were 2,900 females employed. In mid-1943, 25,600; in mid-1944, 27,500.² In building and civil engineering the rise was from 16,000 to 29,000 at its peak.³

¹ See M.O.L. Gazettes for relevant period.

² M.O.L. Report 1939-46. Cmd. 7225.

³ *Ibid.*

The number of female Trade Unionists increased very greatly between 1939 and 1945. In 1938 the figure stood at 926,000 and in 1945 at about 1,597,440. In 1939 the proportion of working men and women who were Trade Unionists were: men 37 per cent, women 11 per cent. By the end of 1944 the disequality was 61 per cent men as against 29 per cent women. The number of women Trade Unionists at December 1946 was one million and a quarter.

Women have made immense strides in industrial organisation since the dark days of the "Sisterhood".

Today women Trade Unionists share with men Trade Unionists the rights, duties and advantages of industrial unionism and occupy high offices.¹ They are no longer in separate camps, but organised in the same Unions, marching side by side along the ever-widening road to social and economic well-being.

¹ Dame Anne Loughlin, O.B.E., was Chairman of the T.U.C. in 1942, and the present Chairman is Miss Florence Hancock, chief woman officer of the T. & G.W.U.

CHAPTER NINETEEN

EMPLOYERS' ASSOCIATIONS

THE MAIN theme of the present book is the origin and progress of unionisation among workers. On the other hand employers have found it necessary to combine to protect their interests *vis-à-vis* the workers' Unions, and also against their competitors.

The growing strength of workers' Unions, speaking as the collective voice of their members, and making agreements in their combined name, made it inevitable that employers should adopt a parallel policy. This need asserted itself towards the end of the last century. Its advent undoubtedly facilitated, and has increasingly strengthened, the machinery of collective bargaining and conciliation between workers and employers.

The legal position and the scope of action of the employers' Associations and the workers' Unions are very much alike. The same may be said of their activities in the fields of economic and political action, although their aims very often differ considerably. Both use the instrument of Parliament, Press and propaganda to advocate, legislate and propagate their respective interests and policies.

There is, however, a special sphere of activity in which employers' Associations operate and in which the worker is not a direct party as in the ordinary relationship between employers and workers on the national or local Trade Union level. That is the case where an employer or industrialist or a group of them joins together, or takes

action against another employer or industrialist or group of them as a competitor, or in order to maintain for themselves prices, or other trading conditions or advantages.

There is a very substantial number of employers' Associations. It has been estimated that there are some 2,500 to 3,000 employers' organisations. In the first rank is the National Confederation of Employers. This is, for all practical purposes, the T.U.C.'s opposite number. It comprises national federations of employers whose total number of workers equal some 70 per cent of the entire industrial population. Then there is the Federation of British Industries—familiar to the public as the "F.B.I.". Founded in 1916, it now links together some 200 trade associations uniting most of the larger firms and undertakings in industry. Its activities are mainly economic and technical, embracing matters which relate to such items as contracts, taxation, patents, transport, and the like. The F.B.I. has considerable ramifications abroad.

Among some of the other well-known employers' organisations are the National Union of Manufacturers; the Association of British Chambers of Commerce; the British Federation of Commodity and Allied Trade Associations, comprising some forty-three considerable associations and federations whose members trade here and overseas in wool, cotton, cocoa, coffee, oil, copra, jute, sugar, rubber, timber and fruit and other commodities; the Manufacturers and Producers of Great Britain; the Iron and Steel Federation, and the Engineering and Allied Employers' National Federation. Most of the industries and trades now have national associations. There is also the British Road Federation which consists of 112 national organisations covering a wide range of industries.

The British Iron and Steel Federation covers the whole industry within its organisation. Its members are associations which represent the firms existing in each part of the industry. Its chairman is Sir Andrew Duncan, M.P., the former Coal Controller and Minister of Supply.

Cohesion and co-operation between these associations has been steadily growing and Joint Committees have been established which embrace a large number of them. Examples are to be found in the Joint Committee of Electricity Supply Associations; the engineering and allied trades; the transport undertakings; the building trades (materials), some 70 associations; the rubber and allied manufacturers (some 21); the commodity and allied trades (43); and in the hosiery, hardware, rayon, catering, radio, drugs, textiles, clothing, iron ore, tobacco, footwear and other trades.

It is through such associations as these that employers operate, independently of any connection with the worker, to protect their members by means of fixing prices, stipulating conditions of sale and resale, regulating dealings, and protecting their trade interests generally. The Motor Trade Association, and the Association of Dental Manufacturers are two well-known instances where conditions of trading are laid down for their members, and even those outside the scope of the Association membership.

The validity of such an action is beyond doubt, and the House of Lords has upheld it on many occasions, notably in the well-known case of the Mogul Steamship Company.¹ In that case owners of ships formed an association to secure a carrying trade exclusively for themselves at profitable rates. They made regulations as to the division

¹ *Mogul S.S. Co. v. MacGregor, Son & Co.* (1892), A.C. 25.

of cargoes and freights to all shippers shipping exclusively with members of the association. They also prohibited all agents of members, on pain of dismissal, to act in the interest of competing shipowners. Certain shipowners excluded from the association sent ships to the loading port to obtain cargoes. The associated owners sent more ships to the port, underbid their competitors, and reduced freights so low that the latter were obliged to carry at unremunerative rates. Certain agents were also threatened with dismissal if they loaded the non-associated owners' ships. The latter owners brought an action for damages against the associated owners alleging a conspiracy to injure them. The Law Lords decided that what the association had done had the lawful object of protecting and extending their members' trade, and increasing their profits, and having used no unlawful means, no cause of action arose against them.

. Since then it is clear that a combination or association under English law may (1) validly sell goods at a fixed price, and refuse to sell them otherwise; (2) notify, by means of a "stop-list", members of the association what persons have infringed fixed prices or regulated dealings; and (3) prevent by lawful steps any indirect supply of goods concerned. They may do this in concert with others having a common interest. Such a combination or association may, instead of including him in the "stop-list", impose on a delinquent the payment of a sum of money to its funds. Employers' Unions or Associations are now an integral part of our industrial system, and by and large, like the Workers' Unions, they play an equally representative and effective part in all spheres of industrial and political action.

CONCLUSION

CHAPTER TWENTY

TRADE UNIONS AND THE FUTURE

THE WAR greatly enhanced the influence of the Trade Unions and the T.U.C. The problems left by the war have greatly emphasised the added responsibility of the Movement and its leaders in the fight for economic recovery.

Production is vital. Vital for the export market. Vital for the home market.

The outlook is grim, but it was inevitable. It is the cost we are paying for the war. This situation, in a way, seemed to come upon us suddenly. The fact is, the war kept our attention off it. Peace has forced our attention back to it. Its solution cannot be codified quickly or magically. The ultimate solvent for it is the will of the nation to overcome it. That can only be done by the nation working harder and producing more. More food, more export and consumer goods; ample purchasing power running abreast with ample supplies of goods. Nothing will aid that more than peace and co-operation in industry. Nothing will, more certainly than this, secure the well-being of the workers and the country.

The avoidance of strikes has become a national duty. Joint working machinery is more urgently needed than ever before. Those trade disputes which cannot be settled by negotiation should, in the national interest, be referred to arbitration.

Workers should be given a fair share, and a much more intelligent part, in industry. Joint Consultative and Industrial Committees should be widely set up to promote efficiency in production and management.

Trade practices on either side of industry should be closely scrutinised, and wherever they handicap the full play of industrial forces on the target of production, they ought to be appropriately modified. This could be easily secured by giving all reasonable guarantees that the concessions made would not be abused. As we have seen, both sides of industry have already agreed to postpone the restoration of trade practices which were forgone during the war.¹

The unofficial strike should be prohibited. The right to strike was debarred in war-time. There seems little reason why the unofficial strike should not be banned where the present need of the country is, in some respects, as great, if not greater, than in war.

The right of a Union to call an official strike need not be completely forfeited. The National Arbitration Tribunal worked well in time of war; it should go on doing so until the country's present emergency has ended and we are safely through the present economic debacle.

The Trade Union Movement itself will find it necessary for its own security to deal with the unofficial strike. Even in normal times such a symptom would spell danger for the Movement. It discredits the democratic principle completely. It sets at nought the rule of the majority and puts in its place the rule of the jungle. This aspect is paramount because the vital factor of production cannot be realised and safeguarded unless there is stability in

¹ See Chapter 15, p. 158.

industry. Moreover, it is upon those two factors that full employment, the standard of life for the people as a whole, and the prosperity of the nation depends.

The function of the Trade Union to maintain industrial relations is more imperative than ever. The fear of unemployment is probably less than it has been in the living memory of anyone. The responsibility for the provision of social insurance has been taken by the State and has greatly changed, and practically replaced, the Union's function in this respect. The great task of the Unions is no longer to get its members into work, but to help mobilise manpower and organise industry so that, through the workers available, the greatest possible output is secured.

The normal objectives of the Unions substantially still remain. In dealing with wages, hours and conditions of work, they still have to have regard to what wages can buy, and the cost of living. The spiral of wages chasing prices is the problem that has to be faced and will have to be solved.

As regards full employment, they still have to safeguard the right of the worker to work, and to choose freely his work.

The conflict that exists between two economic policies does not affect the principle of what has already been said. Whatever the system, organised labour should have its voice, its place and its share in it. Private enterprise or public ownership is a political and industrial issue, on which the Unions, as free associations of men and women, are entitled to their free view and unfettered action.

There is in the internal organisation of the Movement room for great expansion both in special subjects such as economics and technical matters, and education generally.

Greater knowledge of the Movement itself, its history and structure, and of industrial and national questions and problems, would considerably strengthen the work and future progress of the Movement and the preparation of its leaders and members for their increasing responsibilities.

In the domain of research, much work still remains to be done by the Unions in the way of well-equipped departments for these activities. In this respect the American Unions are well ahead both in equipment and in their own staffs of "backroom boys". The chapter on Education and Research has shown the work already done by the Unions and the T.U.C. in this region. Its further development in the future is imperative, and the realisation of that by the Movement can hardly be doubted.

Indeed, the story of these pages has shown that, through a long and hard struggle, and with indomitable courage and romantic adventure, the Trade Union Movement has penetrated into every part of our industrial, political and social life. There are few who will not admit that it has given stability to industry, and a higher standard of life and education, and, above all, independence, to the masses. So great is its influence to-day that its responsibility transcends even its duty to its members, in its wider relationship to the State. It has, too, not only national but world-wide efficacy, and in this latter aspect is a potent voice in the forum of peace and the cause of humanity.

When all is said, the well-being of the average British Trade Unionist and worker, by hand or brain, depends, in the end, on the well-being of his fellow men all over the world. That is an objective worthy of the great libertarian and humanitarian traditions of a great Move-

ment. Its realisation is not possible until we have restored the prosperity of our own country and the Commonwealth, and that, as Burke once said, “. . . calls for the whole of the best of us; and everything else, however just or even laudable at another time, ought to give way to this great, urgent, instant concern”.

It is to that great, urgent, instant concern, that the future beckons the great British Trade Union Movement.

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